

***On the Global Multiplicity of Public Spheres***  
***The democratic transformation of the public sphere?***

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All concepts in which an entire process is semiotically concentrated  
elude definition: only that which has no history is definable.<sup>1</sup>

*Introduction to the practical and semantic field of a global multiplicity of public spheres*

One of the most spectacular *events* of our time is the emergence and proliferation of a multiplicity of public spheres and the correlative multiple uses or senses of the vocabulary of public spheres around the world.<sup>2</sup> This dawning global plenitude of public spheres composes an immensely complex practical and semantic field of public activities. When public activists and researchers become aware of and comment on this multiplicity they standardly mention four observable features of the field.<sup>3</sup>

The practical and semantic field does not only comprise many examples of one kind of public sphere and one corresponding conceptualisation of the public sphere. It is composed of a large *variety* of kinds of public spheres and senses of the public sphere terminology employed in them. Moreover, given the internal complexity of public spheres as forms of activity as well as the complexity of the unequal relationships among public spheres and between public spheres and other spheres of human activity, the varieties can be

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<sup>1</sup> Friedrich Nietzsche, *On the Genealogy of Morals*, ed. Keith Ansell-Pearson (Cambridge, 1996), § 2.13, p. 57.

<sup>2</sup> Unless otherwise indicated I will normally use the terms ‘public sphere’ to refer to both the vocabulary of public spheres and the public activities to which these terms refer and in which they are used, since it is this practical holism of speech activities and practical activities that I am concerned to explore. By public sphere vocabulary I mean ‘public sphere’, ‘publics’, ‘public reason’, ‘public audiences’, ‘public capacities’, ‘publicness’, ‘public goods’ and the like, as well as their contrastive vocabularies of private, non-public, and so on. I also include in ‘public speech activities’ all forms of public expression, such as acting, mime, film, witnessing, listening, signing, electronic media and so on.

<sup>3</sup> The term ‘multiplicity’ was originally introduced by Nancy Fraser and Craig Calhoun to refer to these features. See Section 1.

classified in *countless* ways, as the research projects that have grown up in tandem with the proliferation illustrate.<sup>4</sup>

For example, public spheres are local, regional, national, transnational, global and glocal<sup>5</sup>, official and un-official, publics and counter-publics, and Western and non-Western. They can be institutional, networked and ad-hoc, face-to-face and mediated, secular, religious and mixed; and relatively powerful and powerless. Some are limited to opinion formation and communication by pre-specified procedures, while others include a vast array of public modes of performance, interaction and contestation. Yet others involve negotiation with the powers-that-be, and some include the exercise of public powers themselves. Some are small, even a single public actor such as Thoreau, Gandhi and King, while one of the oldest senses of 'public sphere' comprises all of humanity in relation to the animal, ecological and spiritual realms. Some are separate while others overlap locally and globally, and often new public spheres spring up within existing ones, questioning and publicising their exclusions, either transforming them from within or branching off in new directions. The public sphere, in its most familiar sense, is a composite public sphere of the historical conglomeration of this ever-changing kaleidoscope of diverse public spheres.<sup>6</sup>

Second, the particular instances of different varieties of public spheres are not stable institutions or structures operating in accord with fixed sets of rules and roles. Public spheres are not straight jackets that citizens put on when they speak and act together as publics. Their practical and semantic features – such as institutionalisation, rules, activities, internal and external relationships, and public scripts – *vary* as they develop. Just as in the case of the *variety* of public spheres, the *variability* can be classified in many ways. For example, the hypothesis of the stages of historical development of public spheres towards an ideal form in Europe and the spread of this module to the less-developed world by means of the promotion of Western economic, democratic and public sphere globalisation is now widely seen as only one among many ways of classifying the temporal variability of public spheres.<sup>7</sup>

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<sup>4</sup> I refer to the vast literature on this feature and the other three features in the sections to follow. For recent introductions to the global field, see Daniel Drache, *Defiant Publics: The unprecedented reach of the global citizen* (Cambridge, 2008) and Michael A. Peters, Alan Britton and Harry Blee, eds. *Global Citizenship Education: Philosophy, Theory and Pedagogy* (Rotterdam, 2008).

<sup>5</sup> Glocal: publics that are grounded in a local public sphere yet hyperextend their public activities and spheres globally through networking and other means.

<sup>6</sup> See Section 1 for this and other senses.

<sup>7</sup> See Sections 2 and 4.

Third, while the number, types and electronically mediated reach of local/global public spheres in the *present* may well be unprecedented, the field of overlapping varieties and variability of multiple publics and public spheres has a much longer history. The editors of the *Oxford English Dictionary* remind their readers that the semantic field of publics and public spheres has always been various and variable in the English-speaking world (and, by extension, in all language communities of the world). Before they present their illustrative and incomplete list of various senses of ‘public’ over the last half millennium they present a remarkably anti-essentialist synopsis of the various senses of the term and the indeterminate and open-ended variety of criteria that can be invoked to warrant the application of the term in particular cases. They thus provide us with a non-reductive philological map of the historical field we are about to explore:<sup>8</sup>

The varieties of sense [of public] are numerous and pass into each other by many intermediate shades of meaning. The exact shade often depends upon the substantive qualified, and in some expressions more than one sense is vaguely present; in others the usage is traditional, and it is difficult to determine in what sense precisely the thing in question was originally called ‘public’

The editors are saying that there is neither an observable set of essential features present in every instance of a public and public sphere nor a single prototype from which the diverse instances appear to be derived. Hence, it is not possible for them to reconstruct a comprehensive definition or concept stipulating the necessary and sufficient criteria that refer to a set of essential features present in each and every public and public sphere and which could be employed to apply the terms correctly in every case. Rather, there is only a network of overlapping intermediate shades or similarities of meaning among the various uses that enable us to see the various resemblances among the instances to which the terms are applied. Therefore, all the editors can do is to list various senses of the terms, the contexts in which they are used and the similarities that justify the application of the terms in particular cases. Any instances of publics and public spheres always share at least some similarities or criteria with others but no one set of criteria is shared by all. The reader comes to understand the meaning of the terms and so the phenomena to which they apply by working through the examples that the editors list: seeing the similarities and analogies that are invoked to justify the application in different cases and contexts, and grasping the

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<sup>8</sup> *The Oxford English Dictionary*, entry under ‘public’.

intermediate steps that enable one to see the semantic relationships among them. One thereby acquires the linguistic abilities to use and extend the use of the terms oneself in new circumstances and to be able to give reasons for or against the extension. By keeping the multiplicity of senses in view, one also acquires the critical ability to invoke debunking counter-examples whenever someone is tempted to generalize the shared features of their limited number of cases into an allegedly comprehensive and transcendental definition of all cases. In a word, public, public sphere and cognate terms are what we now call *family resemblance* concepts.<sup>9</sup>

Fourth, public spheres and their vocabulary are various and variable *because* they are *negotiated practices*. Citizens do not engage in public spheres only to form public opinions, take up public problems, address public audiences and care for public goods. In participating in these standard public sphere activities they also engage in the critical and reflective activity of calling into question, testing the adequacy, negotiating and modifying the given rules, scripts, roles and relationships of the public spheres in which they act. As they question, negotiate and modify the given public sphere practice they also vary accordingly the public sphere vocabulary so it can be predicated of the new arrangements. While the current degree of institutionalisation and enforcement of a public sphere always constrain what can be said and done to some degree, it is always possible, as we will see, for publics to negotiate the discursive and non-discursive rules of the game to some extent and in remarkably creative ways.<sup>10</sup>

This critical public freedom of turning, calling into question, testing, negotiating and modifying the *given* features of a public sphere *en passant* is perhaps the most commonplace of all four features of public spheres.<sup>11</sup> It is an irreducible feature of most forms of human cooperation. Moreover, it is itself the activity of creating a new public sphere within the

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<sup>9</sup> The use of the term ‘family resemblance’ concept to describe non-essential concepts was famously introduced by Wittgenstein in a section of the *Philosophical Investigations* that almost reads like a gloss on the above quotation from the OED. See Ludwig Wittgenstein, *Philosophical Investigations*, ed. G.E.L. Anscombe (Oxford, 2002) § 65-67 and 75. The discovery of non-essential concepts and the kind of reasoning and understanding that is appropriate to them is much older than the OED or *Philosophical Investigations*. It is the core teaching of the classical humanist tradition from Aristotle to the early seventeenth century, under the concept of *paradiastole*. See Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge, 1996), pp. 138-180. This is the general form of public reasoning characteristic of the democratic approach to public spheres. See Section 4.v.

<sup>10</sup> See Section 4.

<sup>11</sup> For a path breaking global survey that focuses on this feature, see Volker Heins, *Nongovernmental Organizations in International Society: struggles over recognition* (New York, 2008).

existing one - a new public sphere that often outlasts its immediate task and takes on a life of its own.<sup>12</sup> For, this activity is just the application of the classic democratic public sphere activity of citizens assembling together in a forum and having a say over the rules to which they are subject (thereby rendering their government ‘democratic’) to the rules of an existing public sphere. The variety and variability features can thus be explained, at least in part, by the global manifestation of this uniquely creative and democratic public freedom of both engagement *in* and engagement *with* public spheres. It might be called the democratic transformation of the public sphere.

According to both Nietzsche and Hannah Arendt, this ongoing free activity of institutional and conceptual negotiation explains both why and how an association such as a public sphere does not appear to have a fixed definition or trajectory but, rather, the complex, unpredictable and miraculous phenomenon called human history.<sup>13</sup> That is, the public sphere is an essentially contested concept and practice.<sup>14</sup> Yet, as we will now see, this too is a contested claim.

### 1. *Two approaches to the multiplicity of public spheres*

Given the four empirical features of the field of public spheres introduced above, the great question is how such a field should be approached to understand and study it comparatively and critically. I want to explore the field through two general approaches that have grown up with the field of public spheres and are interwoven into its history. They are two general forms of representation and critical analysis through which the field of public spheres is disclosed as a domain of problems and in which diverse solutions are presented and debated. Both approaches accept the multiplicity I have outlined but each responds to it in a different way. One seeks to reconstruct theoretically the essential features of the public sphere that are discoverable in an unfinished form within the observable multiplicity whereas the other sees the multiplicity as irreducible. Both claim to be critical, yet in different senses

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<sup>12</sup> For example, when a group of specialists feel they are not being properly heard in a large public sphere and break off and form a more specialized public sphere. For this example see Section 2.iv.

<sup>13</sup> Hannah Arendt, ‘What is Freedom?’, *Between Past and Future*, (Harmondsworth 1968), pp. 143-73, at pp. 170-71. For Nietzsche, see the quotation at note 1.

<sup>14</sup> The idea of an essentially contested concept was first introduced by Bryce Gallie, in reference to the concept of democracy. See W.B. Gallie, ‘Essentially Contested Concepts’, *Proceedings of the Aristotelian Society* (1957) and developed by William Connolly, *The Terms of Political Discourse* (Lexington 1974).

of this semiotically concentrated term. One aims to develop a *universal* critical *theory* of the field of public spheres from a theoretical and reconstructive perspective, based on the Western experience of public spheres, whereas the other aims to foster a critical and comparative *relationship* between academic research and citizens in the plurality of public spheres, based on global public sphere pluralism, and from perspectives within the field. While their analyses of public spheres overlap, the former tends to take a broadly liberal orientation to the field whereas the latter takes a broadly democratic orientation, and the terms ‘liberal’ and ‘democratic’ are standardly used to name the two approaches.<sup>15</sup>

These two approaches have long and intertwined histories in the West and non-West. However, they took their present formation in response to the post-war proliferation of multiple public spheres and along with Jurgen Habermas’ influential study of what he saw at the time as the rise and decline of the official public sphere in Western Europe, which he called the bourgeois public sphere.<sup>16</sup> One of the most constructive criticisms of his study of the official bourgeois public sphere is that it did not take into account the ‘multiplicity’ of non-official public spheres that other researchers were beginning to notice and which is summarised in the Introduction above.<sup>17</sup> The criticism is not that he either denied or overlooked the plenitude of public spheres in Europe. Habermas acknowledged the existence of other types of modern public spheres, such as ‘plebeian’ (working class, anarchist, radical democratic) and ‘plebiscitary’ (popular), and he discussed other senses of ‘public sphere’ in European languages (German, French and English).<sup>18</sup> Rather, he chose not to study them, but to concentrate almost exclusively on the history, normative reconstruction and emancipatory potential of the official bourgeois public sphere. In conjunction with other important factors, the ‘multiplicity criticism’, as I will call it, has

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<sup>15</sup> I explicate their similarities and dissimilarities in the following sections.

<sup>16</sup> Jurgen Habermas, *The Structural Transformation of the Public Sphere: An inquiry into a category of bourgeois society*, tr. Thomas Burger (Cambridge MA, 1992 [1962]).

<sup>17</sup> The multiplicity criticism was summarised and presented to Habermas in 1992 by Craig Calhoun in his ‘Introduction: Habermas and the Public Sphere’, in *Habermas and the Public Sphere*, ed. Calhoun (Cambridge MA, 1992), pp. 1-51, at 37-39 (*HPS* hereafter). Calhoun also sketches out possible responses to the criticism, which are taken up by Habermas in his more recent work (see Section 2 below). Several authors in the volume raise the issue of multiplicity, but the single most influential chapter is, Nancy Fraser, ‘Rethinking the Public Sphere: A contribution to the critique of actual existing democracy’, *HPS*, pp. 109-142. While Johanna Meehan, ed. *Feminists Read Habermas: Gendering the subject of discourse* (London, 1995), is primarily directed at ‘the principal blindspots of Habermas’ theory with respect to gender’, as Nancy Fraser puts it in ‘What’s Critical about Critical Theory?’, pp. 21-47, at 47, several authors also take up the multiplicity issue.

<sup>18</sup> Habermas, *Structural Transformation*, pp. 1-26. Habermas is sensitive to linguistic change throughout the work. Compare Calhoun, ‘Introduction’, *HPS*, pp. 7-9.

proven to be immensely constructive in stimulating the study of public spheres under both approaches.

On one hand, it has helped to spur legal, political and postcolonial theorists, sociologists, political scientists, historians, feminists, anthropologists, cultural and media scholars, critical race theorists, critical digital public sphere scholars and public sphere activists to study the multiplicity of public spheres in Europe and other Western societies, in non-Western societies, among Indigenous peoples, in the international and global realms, at the World Social Forum, in immigrant and refugee communities, and so on.<sup>19</sup> From the perspectives of other public spheres, as Craig Calhoun initially summarised in 1992, these more pluralistic studies expose the exclusions and restrictions of the official public sphere and its private/public distinction in the past and present, as well as the mechanisms of inclusion and assimilation into bourgeois, male and Eurocentric norms of subjectivity and public reasoning built into the official public sphere. They thus question its emancipatory potential and suggest that emancipatory steps often come from outside the official public sphere or from contesting its allegedly universal norms of recognition from within. In addition, they bring to light the variegated lived experiences of concrete democratic cooperation, solidarity and contestation in public spheres that is missing from the predominantly procedural and abstract reconstruction of the bourgeois public sphere.<sup>20</sup> These studies also present different interpretations of the official public spheres than the one Habermas originally advanced, suggesting that they form of plurality of types with a diversity of internal features and external relationships to alternative public spheres, not one single type.<sup>21</sup> Finally, these studies tend to emphasize the irreducible variety and variability of public spheres historically and in the present, and hence the correlative inability to construct a comprehensive theory of the field of public spheres, thereby lending support to the four features of the Introduction and the anti-essentialist approach of the OED.<sup>22</sup> These

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<sup>19</sup> See Section 4 for references to this scholarship.

<sup>20</sup> Calhoun, 'Introduction', *HPS*, pp. 33-39 and Fraser, 'Rethinking the Public Sphere'. Calhoun's summary is based on the early phase of this critical and alternative scholarship.

<sup>21</sup> See Georgina Born, 'Mediating the Public Sphere: Digitisation, pluralism and communicative democracy', this volume, for more recent work on this issue.

<sup>22</sup> For a recent survey of this aspect of the global field, see Julia Paley, 'Towards an Anthropology of Democracy', *Annual Review of Anthropology*, 31 (2002), pp. 469-96, and Section 4.iii.

multidisciplinary studies in global public sphere pluralism are the *avant garde* of the critical democratic and pluralist approach.<sup>23</sup>

On the other hand, the multiplicity criticism and the studies that followed have been important factors in Habermas' more recent reconstruction and elaboration of his theory of the official public sphere, which he now calls the 'liberal' public sphere.<sup>24</sup> While his particular project is not endorsed by all critical liberals, it is nevertheless the single most influential and comprehensive example of a universal critical liberal theory of the field of public spheres. As such it has played a formative role in developing the post-war critical liberal approach within which variations on its central theses are discussed and debated by a wide range of scholars from different disciplines who share its general orientation.<sup>25</sup> Accordingly, I will employ it to explicate the central features of the approach.<sup>26</sup>

## *2. The Critical liberal and universal approach to the multiplicity of public spheres*

### *2.i. The first step of the critical liberal approach: between facticity and normativity*

The critical liberal approach discloses the field of the public sphere as an integral part of the broader field of the historical development and differentiation of the institutions and spheres (or subsystems) of the modern Western constitutional nation state and the world system of similar constitutional orders under international law. These institutions and spheres include the private and public spheres, capitalist economy, representative

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<sup>23</sup> For example, Nick Crossley and John Michael Roberts, ed. *After Habermas: New perspectives on the public sphere* (Oxford, 2004) and Section 4.

<sup>24</sup> Jurgen Habermas, 'Deliberative Politics: A procedural concept of democracy' and 'Civil Society and the Political Public Sphere', chapters 7 & 8, *Between Facts and Norms: Contributions to a discourse theory of law and democracy*, tr. William Rehg (Cambridge MA, 1996 [1992]), pp 287-387 (*BFN* hereafter).

<sup>25</sup> For an excellent introduction to Habermas' theory of the liberal public sphere, see Pauline Johnson, *Habermas: Rescuing the Public Sphere* (London, 2006) and, more generally, Alan McKee, *The Public Sphere: An introduction* (New York, 2004).

<sup>26</sup> I follow Habermas in calling it a theory of the 'liberal' public sphere. He distinguishes his 'discourse theory' of the liberal public sphere - and of democracy and law more generally - from a specific kind of 'liberal' theory of the liberal public sphere. He argues that he gives more weight to citizen participation in deliberative public spheres than the liberal tradition, yet he gives a more limited and legally constituted role to participation than the 'republican' tradition, thus creating a hybrid, discourse theory, that combines the best features of both traditions. It is still correct to call his theory a 'liberal' theory in the broad sense of European liberalism initiated by Benjamin Constant and oriented to combining the liberties of the moderns (negative liberty and market freedoms) with the liberty of the ancients (participatory liberty in the public sphere). Habermas places his history in this tradition in 'Three Normative Models of Democracy' and 'On the Internal Relation between the Rule of Law and Democracy', *Inclusion and the Other: Studies in political theory*, ed. Ciaran Cronin and Pablo De Greiff (Cambridge MA, 1998 [1996]), pp. 239-64.



government, the institutions of public government and administration, the military sphere, the general liberal public sphere of the multiplicity of public spheres throughout civil society, the specific liberal public sphere at the centre and the official channels of communication among them.<sup>27</sup> These separate and functionally differentiated spheres of modern constitutional states are formally constituted by the underlying legal system that guarantees the modern ‘system of rights’: the individual rights of private autonomy (negative liberty and market freedoms) and public autonomy (public participation) that regulate participation in the private and public spheres respectively. The analysis of the field of the liberal public sphere of many public spheres and the other constitutive institutions, spheres and legal orders now extends from the core experience within European states and their colonies to public spheres within supranational constitutional organisations, with the European Union as a prototype, and transnational public spheres relative to global publics and the legal institutions of international law and global governance.<sup>28</sup>

This terrain of the public sphere is approached critically under two aspects: facticity and normativity. The task is to ‘reconstruct the normative ideal that is already present to some extent in the social facticity of “existing reason” already incorporated in political processes, however distorted these may be’.<sup>29</sup> On this approach, there is not an ‘*opposition* between the ideal and real’, for the ideal is the abstraction and idealization of features already present in the basic institutions, processes and procedures of the real, not yet fully realised.<sup>30</sup> The normative ideal is used as a critical standard to delineate, judge and reform the distortions of the real relative to their immanent potential. It is a reformist approach in contrast to those who *oppose* their critical ideal to the real and aim to transform structural features of it.<sup>31</sup> The relationship between the real and the critical ideal is, in Habermas’s succinct phrase, one of an ‘unfinished project’.<sup>32</sup>

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<sup>27</sup> I use the terms ‘general liberal public sphere’ to refer to the sphere comprising the multiplicity of public spheres and ‘specific liberal public sphere’ to refer to the deliberative public sphere at the centre of the general public sphere, around which all other kinds of public sphere are arranged. They are sometimes called ‘two levels’ of the public sphere, but this does not accord as well with the network of ‘communication sluices’ from the general to the specific that Habermas employs.

<sup>28</sup> The international projection of the liberal public sphere is taken up in Jürgen Habermas, *The Divided West*, ed. & tr. Ciaran Cronin (Cambridge 2006 [2004]). (*DW* hereafter). See Section 2.vi.

<sup>29</sup> *BFN*, p. 287.

<sup>30</sup> *Ibid.*

<sup>31</sup> See below this Section under ‘limits’.

<sup>32</sup> *BFN* p. 384.

While this type of critical approach does not ‘need a philosophy of history to support it’,<sup>33</sup> it is standardly underpinned by a progressive liberal philosophy of history that portrays Europeans and their European legal, economic and political institutions as if they are moving forward in time through (uneven) stages and processes of historical and cognitive development towards their ideal form. These universal processes and institutions - referred to as civilisation, modernisation, globalisation and democratisation - are simultaneously portrayed as spreading out to the less-developed non-European world by means of European overseas expansion over the last half millennium and continuing by the promotion of market freedoms, representative democratisation and civil society building in the post-colonial world today. Situated within this broader world-historical narrative the unfinished project of the liberal public sphere can be seen as the continuation of the Enlightenment project set out by Immanuel Kant in *Universal History with a Cosmopolitan Intent* and *Perpetual Peace*.<sup>34</sup>

## 2.ii. *Discourse ethics and opinion formation in the liberal public sphere*

The general liberal public sphere is a large constitutionally ordered network of nodes (specific public spheres) ‘for communicating information and points of view (i.e., opinions expressing affirmative or negative attitudes); the streams of communication are, in the process, filtered and synthesized in such a way that they coalesce into bundles of topically specified *public* opinions.’<sup>35</sup> It is a ‘communication structure’.<sup>36</sup> The general public sphere emerges out of a basic form of everyday communication, namely, local dialogues in which humans exchange *pro* and *contra* opinions and bystanders are free to join in. Such intersubjective yes/no dialogues bring into being a linguistically constituted ‘public space’. Episodic public spaces are then ‘abstracted’ from both the local place in which they occur and the locally accepted norms of validation, extended and rendered more permanent, and structured into ‘assemblies’ of various kinds that are called ‘public spheres’. Yet even these remain attached to the physical presence of audiences and local modes of argumentation. These specific public spheres become more general by means of further uncoupling, abstraction and generalisation by further argumentation and the use of extensive public

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<sup>33</sup> *BFN* p.387.

<sup>34</sup> See Habermas, ‘The Kantian Project and the Divided West’, *DW*, pp. 113-193, and James Bohman and Matthias Lutz-Bachman, ed. *Perpetual Peace: Essays on Kant’s Cosmopolitan Ideal* (Cambridge MA, 1997).

<sup>35</sup> *BFN*, p. 360.

<sup>36</sup> *BFN*, p. 359.

media to link the ‘virtual presence of scattered readers, listeners or viewers’ into the abstract and general liberal public sphere.<sup>37</sup>

By starting in this way, Habermas is able to acknowledge and recognize within the general public sphere the multiplicity of alternative, unofficial, professional and specific public spheres that emerge out of the everyday exchange of views in public spaces.<sup>38</sup> Yet, at the same time, he is able to argue that there is an ideal form of the public sphere immanent in yet distorted forms in the factual multiplicity. Between the publication of *The Structural Transformation of the Public Sphere* and the reconstruction of the liberal public sphere in *Between Facts and Norms* Habermas developed a theory (discourse ethics) of this ideal. He argued in *The Theory of Communicative Action* and *Moral Consciousness and Communicative Action* that there is an ideal set of procedures, implicit in any and every communicative exchange of opinions that ought to govern the open exchange of public reasons *pro* and *contra* *among* free and equal participants oriented towards reaching agreement by the force of the better argument. The theory of discourse ethics sets out a universal set of procedures that govern participation in an idealized public sphere: the conditions for entrance into the public sphere, how participants should relate to one another in the exchange of reasons over a proposition (proposed public opinion), the canonical forms of argumentation they should employ and the type of agreement they should aim to reach. These rules move the participants through the levels of abstraction and generalisation mentioned above. They constitute the essence of an ideal specific liberal public sphere that underlies the empirical multiplicity.<sup>39</sup>

Since all public spheres grow out of this basic form of dialogue, it follows that this set of procedures is the norm by which to construct the official liberal public sphere at the center of the network of multiple public spheres and relative to which all other public spheres in civil society can be judged and arranged. Alternative public spheres can be arranged and ranked into a kind of ‘polyarchy’ relative to the ‘closeness’ of their procedures to the abstract and inclusive form of the ‘universal public sphere’ at the center.<sup>40</sup> That is, public opinions formulated by public spheres are not judged primarily by the quantity of participation or opinion surveys, but by the ‘formal criteria governing how a qualified public

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<sup>37</sup> *BFN* p. 361.

<sup>38</sup> *BFN* p. 374 is a direct response to this feature of the multiplicity criticism.

<sup>39</sup> Jurgen Habermas, *The Theory of Communicative Action*, 2 volumes, tr. Thomas McCarthy (Boston, 1981) and *Moral Consciousness and Communicative Action*, tr. Christian Lenhardt and Shierry Weber Nicholson (Cambridge, 1995). The theory is applied to the public sphere in *BFN*, pp. 287-328.

<sup>40</sup> *BFN* pp. 374-75, and 355 for polyarchy.

opinion comes about', the ideal for which are the deliberative procedures of discourse ethics. This in turn provides 'a basis for measuring the legitimacy of the influence that public opinion has on the political system.'<sup>41</sup>

2.iii. *The functions of the central or specific liberal public sphere*

The liberal public sphere at the center of the network, which embodies the ideal procedures to the highest degree, performs three main strategic functions within the modern constitutional system of private and public spheres. It alerts the political system to public problems that need to be addressed by it 'because they cannot be solved elsewhere'. It brings these problems from the alternative public spheres at the periphery of civil society to the centre, identifies, dramatizes and directs them to the official agency that is suited to deal with them. This is its 'signal function'. By means of its procedures of public opinion formation, it translates and transforms the often radical problems from the periphery into an official form of problem (a well-formulated public opinion) that the official audience (fellow citizens and potential voters) and government agencies can handle. This is its 'problematising' function. It also 'oversees' how the government deals with the problem.<sup>42</sup>

In signaling, problematising and overseeing, the official liberal public sphere exercises a type of power called 'influence'. Publics do not make decisions or exercise public powers other than communicative capacities. Rather, it seeks to employ its communicatively generated public opinions through 'institutionalised procedures' to influence 'the beliefs and decisions of authorized members of the political system' and to determine 'the behavior of voters, legislators, officials and so forth.'<sup>43</sup> This 'public audience' of 'spectators' is a constitutive feature of any public sphere. As public spheres expand through the use of electronic media, the internet and so on, public audiences increase in size relative to the small number of actors participating in actual opinion formation. They include, at least in principle, all those potentially affected by the problem and the proposed solution to it. In the final analysis, the influence of the public sphere rests on gaining the approval and conviction of the lay public, and so influencing their voting behaviour. Hence, public audiences, not the small deliberating publics, 'possess final authority'.<sup>44</sup>

2. iv. *The role of the variety of public spheres within the general liberal public sphere*

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<sup>41</sup> BFN, p. 362. The quantity of participation is a factor.

<sup>42</sup> BFN p. 359.

<sup>43</sup> BFN p. 363.

<sup>44</sup> BFN p. 365

The varieties of unofficial public spheres on the ‘periphery’ of civil society are also a constitutive feature of the general liberal public sphere. These multiple specialized public spheres are composed of legally guaranteed rights of participation on the one hand and the actual ongoing practices of publics generating public opinions on the other.<sup>45</sup> They range from world-disclosing religious, artistic and cultural public spheres of the broad ‘literary public sphere’ to specialized public spheres of scientific experts, health-care workers, environmentalists, feminists and so on.<sup>46</sup> As we have seen, the quality of the bundles of public opinion they generate can be ranked relative to their closeness to the liberal procedural ideal. However, this cacophony of agonistic ‘resonant’ and ‘autonomous’ public spheres plays a crucial role in the broader liberal public sphere. The liberal public sphere is designed to channel and reformulate this strange multiplicity of citizen-generated public opinions through the legally prescribed channels and procedures of communicative power so they are not excluded or disregarded, but, rather, so they are included and have the opportunity to influence voters and governments. As he explains:<sup>47</sup>

I develop a sociological model that focuses on the empirical weight of the constitutionally prescribed, hence official, circulation of power. This weight depends primarily on whether civil society, through resonant and autonomous public spheres, develops impulses with enough vitality to bring conflicts from the periphery into the center of the political system.

Many public problems that modern representative governments and their bureaucracies deal with are formulated by officeholders and political leaders within the political system and do not pass through the public sphere. Other problems are initiated from the inside and then the public sphere is mobilised to deliberate, legitimate and oversee solutions often already decided upon.<sup>48</sup> These can be perfectly legitimate functions, and not the manufacturing of public consent, as long as the public sphere procedures retain their structural autonomy.<sup>49</sup> Yet other problems are orchestrated by powerful media, money and

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<sup>45</sup> *BFN* pp. 368-69, 364.

<sup>46</sup> *BFN* pp. 374, 367, 363.

<sup>47</sup> *BFN* p. 330 (references in quotation deleted).

<sup>48</sup> *BFN* pp. 379-80.

<sup>49</sup> *BFN* p. 364. This is perhaps a reference to Chomsky. Habermas is just as concerned as Chomsky with the influence of mass media and administrative power in the public sphere in *BFN* as he was in *The Structural Transformation*, but slightly more optimistic than before. See *BFN* p. 379.

administrative interests that manipulate public opinion for their own strategic purposes.<sup>50</sup> Last but not least, an important class of problems is initiated by the alternative public spheres on the outskirts of civil society. These problems are often formulated in a radical way that conflicts with and opposes both the factual status-quo and its liberal normative framework. The strategic role of such alternative and activist public spheres is to ferret out these new problems and direct them through the sluice-like legal channels into the official liberal public sphere for translation and procedural processing into a language of manageable public problems and reforms for voters and officials to consider (the problematising function).<sup>51</sup>

According to Habermas, many of ‘the great issues of the last decades’ were initiated on the periphery in this manner. Once they were directed into the channels of official communicative power, they influenced the ‘entire system’s mode of problem solving’. The problems of the arms race, genetic engineering, ecological threats, Third World poverty, feminism and immigration were initiated by intellectuals, concerned citizens, radical professionals and advocates at the margins. Just like suffragettes in relation to the bourgeois public sphere, they dramatized these problems in various public ways and forced them onto the ‘public agenda’, where they then received ‘formal consideration’.<sup>52</sup> These events on the periphery succeed by evoking a kind of ‘crisis consciousness’ that enables the new problems to break through the closed circuit of the other two types of problem-initiation above and so to influence ‘institutionalised opinion- and will-formation’ in the central liberal public sphere and official institutions of representative government.<sup>53</sup> Citizens tolerate and learn from the multiplicity of religious statements in the general public sphere, yet they too have to be translated into the liberal public language before they can be processed.<sup>54</sup> In sending their issues into the official channels, these resonant alternative public spheres enable the liberal

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<sup>50</sup> *BFN* p.364. These powers led to the decline of the bourgeois public sphere. The ‘structure of communication’ that he sets forth has the possibility of holding out against capture by powerful strategic actors (pp. 364, 369).

<sup>51</sup> *BFN* pp. 354-56.

<sup>52</sup> *BFN* p. 381.

<sup>53</sup> *BFN* pp. 382, 355.

<sup>54</sup> Jurgen Habermas, ‘Religious Toleration – The Pacemaker for Cultural Rights’, in David Held and Henrietta L. Moore, eds., *Cultural Politics in a Global Age: Uncertainty, solidarity and innovation* (Oxford 2008), pp. 68-76.

public sphere to hold out against manipulation and subordination by mass media and administrative power.<sup>55</sup>

2.v. *The essential limits and institutional bases of the general liberal public sphere*

There are several constitutionally prescribed limitations to participation in the liberal public sphere. First, the condition of stepping out of the private sphere and into alternative or official public spheres is the acceptance of the shared 'liberal political culture and the corresponding patterns of socialization'. These liberal socialisation patterns include the acceptance of a separate 'integral private sphere', the 'already rationalized lifeworld' and 'capitalist modernization'.<sup>56</sup> They also require that the specific 'public texts' employed in any public sphere must be open to the application of the universal text – the procedures of argumentation of the liberal public sphere - by other citizens.<sup>57</sup> Second, the communicatively unstructured opinions of alternative public spheres, as we have seen, have no legitimate public influence (public communicative power) whatsoever on their own. They acquire public influence only when they are fed into and filtered through the procedures of the liberal public sphere and on to voters and governments through the legally prescribed channels:<sup>58</sup>

The influence of a public opinion generated more or less discursively in open controversies is certainly an empirical variable that can make a difference. But public influence is transformed into communicative power only after it passes through the filters of the institutionalised procedures of democratic opinion- and well-formation and enters through parliamentary debates into legitimate lawmaking. The informal flow of public opinion issues in beliefs that have been tested from the standpoint of the generalizability of interests. Not influence per se, but influence transformed into communicative power legitimates political decisions.

Third, publics must abjure the democratic premise of popular sovereignty that the people have the public capacity to assemble together as publics, as 'we the people', and exercise public powers themselves if they judge that their representatives fail to exercise these powers for the public good as they are entrusted to do. Citizens must accept the

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<sup>55</sup> *BFN* p. 179.

<sup>56</sup> *BFN*, p. 371.

<sup>57</sup> *BFN*, p. 369. All public spheres are thus 'porous' to one another because, although they differ, they share universal background structures of argumentation.

<sup>58</sup> *BFN*, p. 371

differentiation of modern capitalist societies into the various subsystems and spheres as they are set out in the liberal theory of law and representative democracy and limit their public participation to the functional public spheres assigned for it.<sup>59</sup>

Democratic movements emerging from civil society must give up holistic aspirations to a self-organizing society, aspirations that also undergirded Marxist ideas of social revolution. Civil society can directly transform only itself, and it can have at most an indirect effect on the self-transformation of the political system; generally, it has an influence only on the personnel and programming of this system.

It is not only Marxists that are excluded. Any liberal, democratic, socialist, feminist or anarchist movement of a people as a whole or as various organisations of publics that aspire to act democratically in *any* ways different from those prescribed in this critical liberal reconstruction are excluded from the public sphere. Fourth, the sole exception is a non-violent act of civil disobedience. However, civil disobedience is severely limited. It is not part of the public sphere but of civil society. And, it is permissible only if performed to extend the unfinished project of realizing the liberal constitutional ‘system of [private and public] rights’ to those who have been excluded or discriminated against.<sup>60</sup>

[T]he justification of civil disobedience relies on a dynamic understanding of the constitution as an unfinished project. From this long-term perspective, the constitutional state does not represent a finished structure but a delicate and sensitive – above all fallible and revisable – enterprise, whose purpose is to realize the system of rights anew in changing circumstance, that is, to interpret the system of rights better, to institutionalize it more appropriately, and to draw out its contents more radically. This is the perspective of citizens who are actively engaged in realizing the system of rights.... [S]uch citizens want to overcome in practice the tension between facticity and validity.

In addition to these four limitations on public sphere conduct, there are constitutionally protected institutions and subsystems that constitute the necessary *preconditions* of the liberal public sphere. These must be accepted by all participants in public affairs. First, politics and the public sphere take place within and on the basis of the

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<sup>59</sup> *BFN* p. 372

<sup>60</sup> *BFN*, p. 384. That is, the protesters must be able to describe their reasons for disobedience in terms of a recognized constitutional principle (*Ibid.*).



background constitutional structure. Politics is always ‘constituted in a legal form’ which specifies its functions and which is not open to question in the political arenas. ‘This is because the conditions that make the production of legitimate law possible are ultimately not at the disposition of politics’. The constitutional order is the ‘enabling condition’ of politics.<sup>61</sup> Second, the constitution legally orders the other functional subsystems of modern constitutional states of which the liberal public sphere is only one. These other private and public spheres and institutions of the modern capitalist state have their own logics of organisation and development and publics are barred from ‘direct political interventions’ in them.<sup>62</sup> Third, the democratic legitimacy of this constitutional system of subsystems comes from representative government and circulation of communicative influence through the liberal public sphere. The ‘constitutionally regulated circulation of power is nullified if the administrative system becomes independent of communicatively generated power’ of the public sphere, or if large private organisations overwhelm public communication, and the system suffers a democratic deficit.<sup>63</sup>

Fourth and finally, citizens must both think and act within all these discursive and institutional limits and not think of alternatives, at all times but especially in times of crises. The constitutionally regulated ‘structures of functionally differentiated societies’ constitute the form of ‘self-empowerment undertaken by a society of free and equal subjects who bind themselves by law’. In ‘political systems’ that are ‘asymmetrically embedded in highly complex circulation processes’,<sup>64</sup>

Actors must form an idea of this context whenever, adopting the performative attitude, they want to engage successfully as citizens, representatives, judges or officials, in realizing the systems of right.

The reason why all public actors must accept these institutional limits and the critical liberal normative reconstruction of their essential and not yet fully realised features as their own ‘participant perspective’ is that they constitute the universal constitutional form of self-determination. The critical liberal theoretical reconstruction is ‘the paradigmatic *understanding* of law and democracy that guides citizens whenever they form an idea of the structural

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<sup>61</sup> *BFN*, p. 385a.

<sup>62</sup> *BFN*, p. 385b.

<sup>63</sup> *BFN*, pp. 385-86c.

<sup>64</sup> *BFN*, p. 386d.

constraints on the self-organization of the legal community in their society.<sup>65</sup> Although it may appear in changing social circumstances, especially in moments of legitimation or steering crises, that there is ‘a spectrum of legal paradigms’, these alternatives are actually various interpretations of the ideal system of rights.<sup>66</sup> And this is true of legal pluralism more generally. Historical constitutions can be seen as so many ways of construing one and ‘the *same* practice – the practice of self-determination on the part of free and equal citizens’.<sup>67</sup> Hence, the discourse theory of law and democracy makes explicit the ideal constitutional form in which the practice of self-determination must take place and which is already present in a permanent yet unfinished form in the Western constitutional state:<sup>68</sup>

From a reconstructive standpoint, we have seen that constitutional rights and principles merely explicate the performative character of the self-constitution of a society of free and equal citizens. The organizational forms of the constitutional state make this practice permanent.

Hence, while the liberal public sphere is universal in the sense of being open to all individuals in principle, and opened historically in practice by public actors extending the system of rights to excluded groups,<sup>69</sup> they are allowed to enter only if they become liberal capitalist subjects in their public thought and action. They have to accept and socialize into both the normative ideal of the field of the liberal public sphere and all the institutions of which it is the idealization, and to confine their public activities to bringing the latter in line with the former by means of the communication procedures and networks available to them. These limits and institutional preconditions constitute the essential features of the general liberal public sphere.

#### 2.vi. *The unfinished project of globalizing the liberal public sphere and its institutional preconditions*

Finally, the promotion of this universal model of the liberal public sphere in the liberal constitutional state is only one part of the larger unfinished global project.<sup>70</sup> In addition, the constitutional structure and the functional roles of the liberal public sphere

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<sup>65</sup> *BFN*, p. 384.

<sup>66</sup> *BFN*, p. 386d.

<sup>67</sup> *BFN*, pp. 386-87d. For a general discussion of Habermas on pluralism, see Michel Rosenfeld, ‘Habermas’s Call for Cosmopolitan Constitutional Patriotism in an Age of Global Terror: A pluralist appraisal’, *Constellations*, 1, 2 (2000), pp. 159-81.

<sup>68</sup> *BFN*, p. 384. This is also Kant’s view of how a citizen must stand to the constitutional order and to Kant’s theoretical reconstruction of it.

<sup>69</sup> *BFN*, p. 300.

<sup>70</sup> This project is standardly called cosmopolitan democracy by its proponents.

within it (of socialising citizens and legitimating public decisions) can be detached from states and applied to transnational constitutional orders, such as the European Union.<sup>71</sup> The EU in turn can function as a model for supranational constitutions and public spheres in ‘Asia, Latin America, Africa, and the Arab World’.<sup>72</sup> It can also function as a prototype for the constitutionalisation of existing international law and the Charter of the United Nations.<sup>73</sup> Political decisions within these constitutional orders do not have anywhere near the same degree of public sphere legitimacy as decisions within constitutional states because their transnational and global public spheres and circuits of communicative power are not well developed. Yet these emerging constitutional structures can be said to gain democratic legitimacy as ‘the channels of democratic legitimation are progressively extended “upwards” from the level of existing liberal nation-states to the level of continental regimes’, again with the European Union as the possible prototype.<sup>74</sup> The spread and institutionalisation of these new constitutional orders and their weak liberal public spheres around the world should be seen as a further stage in the realisation of the unfinished project initiated by Kant of bringing global constitutional facticity in line with western constitutionalism as the normative ideal.<sup>75</sup> Europe has a ‘second chance’ to promote this global project in a different way than in its imperial past.<sup>76</sup>

### 3. *The intermediate step to the critical democratic approach*

In response to democratic critics of this new theory of the liberal public sphere, Habermas claims that the limits he lays down do not constitute the ‘incapacitation’ of citizens.<sup>77</sup> In Kantian terms, these limits do not disable citizens from exercising their public capacities as mature and autonomous agents and treat them as dependent and immature,

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<sup>71</sup> *DW*, pp. 139-43.

<sup>72</sup> *DW*, pp. 177.

<sup>73</sup> *DW*, pp. 115-93.

<sup>74</sup> *DW*, p. 141.

<sup>75</sup> *DW*, pp. 143-93.

<sup>76</sup> *BFN*, p. 512. This path is laid out in *DW*, pp. 147-93. It consists in spreading the liberal public sphere and its underlying institutions multilaterally and by means of extending international law, following Kant and Woodrow Wilson, rather than the unilateral and often unlawful approach of the United States under the last two Bush administrations.

<sup>77</sup> *BFN*, p. 372. Incapacitation is the English translation of *Entmündigung*, which is Kant’s technical term for immaturity. It means to take someone’s authority over him- or herself away. It is the opposite of *Mündigkeit*, maturity. I am grateful to Rainer Forst for clarification of this and other points.

because they are self-limiting: the intrinsic conditions of the exercise of public capacities of self-determination by free and equal citizens under the rule of law. In one sense this is correct. The liberal public sphere constrains and enables public actors to develop and exercise the public communicative capacities of liberal citizens and to develop the corresponding liberal form of subjectivity and self-consciousness. It integrates and assimilates them into the constitutional order through their free public use of communicative reason and, simultaneously; it channels their public opinions into influences on political decisions. And, in so doing, it reproduces the basic constitutional structure of a liberal capitalist society and reforms it towards its immanent ideal. In this sense, it enables citizens to exercise a set of capacities of self-determination within a legal form.

Moreover, this critical liberal reconstruction can be said to take into account the multiplicity criticism. It allows for a variety of public spheres and these can be classified relative to their function of forming opinions and influencing public audiences and arranged in relation to the filtering, problematising and transmitting role of the specific liberal public sphere with its universal procedures of deliberation at the centre of the general public sphere. It also allows for the variability and negotiation of the features of a public sphere, yet only in relation to the system of rights. This is not seen as an arbitrary limit for it is the ideal standard by which one can determine whether a proposed modification of the liberal public sphere is legitimate or not. And, critical liberal theorists defend this by claiming to discover, abstract and reconstruct the transcendent features of the public sphere and its underlying institutions, as well as its historical trajectory, from within the observable multiplicity that the editors of the OED, Nietzsche and Wittgenstein surveyed but failed to transcend.

This response is in the tradition of European liberalism that has always sought to combine the primary private rights of the moderns (the rule of law protecting negative liberties and market freedoms) with the public rights of the ancients (the rights of participation in the liberal public sphere) ever since Benjamin Constant's classic public lecture in 1819.<sup>78</sup> Each generation of liberal theorists and politicians has interpreted this system of private and public rights in different ways. Habermas' comprehensive reconstruction of the liberal public sphere is an important contribution to this tradition and his work on the procedures of public deliberation is the foundation of the deliberative liberalism movement.

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<sup>78</sup> Habermas situates it in this tradition (see note 26).

Notwithstanding its merits, from the perspective of critical democratic pluralists the liberal public sphere nevertheless incapacitates democratic citizens and researchers in the many ways explored in this and the following section. To begin, it confines the repertoire of public capacities of self-determination that citizens can exercise to a narrow skill set of communicative capacities within the uncontested limits and institutional preconditions of one particular historical example of a public sphere, namely, the general liberal public sphere interpretation of the official public sphere of Western constitutional states and its global projection. The only change possible is reform within the bounds of the liberal capitalist state and world order by influencing its officials, on the presumption that public problems cannot be ‘solved elsewhere’.<sup>79</sup> The general liberal public sphere is presented as universal, yet this claim is based on the self-referential first step that the ideal features of all public spheres can be discovered by reflection on the features that are present in an unfinished form in a particular example.<sup>80</sup> This sort of universalising from one or two senses of ‘public sphere’ is precisely the approach that the editors of the OED encourage their readers to de-universalise (or ‘provincialise’) and see beyond its horizons to the wider field by giving other undeniable examples of public spheres that share some features but not others.<sup>81</sup> Wittgenstein remarks on this temptation to universalise one’s local examples and how to overcome it. In many such cases the question arises,<sup>82</sup>

“Is this an appropriate description or not?” The answer is: “Yes, it is appropriate, but only for this narrowly circumscribed region, not for the whole of what you were claiming to describe.”

It is as if someone were to say: “A game consists in moving objects about on a surface according to certain rules...” – and we replied: You seem to be thinking of board games, but there are others. You can make your definition correct by expressly restricting it to those games.

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<sup>79</sup> See quotation at note 42.

<sup>80</sup> See quotations at notes 29, 30, 32.

<sup>81</sup> For the term ‘provincialise’ to describe the critical step of debunking various imperious western claims to universality based on parochial examples, see Dipesh Chakrabarty, *Provincialising Europe: Postcolonial Thought and historical difference* (Princeton 2000), and above, Introduction for this method.

<sup>82</sup> Wittgenstein, *Philosophical Investigations*, §3. Note that the incapacitation criticism overlaps with the multiplicity criticism.

We can begin to explore the manifold implications of this well-known incapacitation objection and move around to the democratic and pluralist perspective by raising a simple question.

Imagine that democratic citizens *in* a liberal public sphere or a democratic people in a global liberal public sphere raise a tentative question about the validity of *any* of the limits and institutional preconditions placed upon the exercise of their public capacities for addressing a public problem. Such a question can be phrased in any number of ways. For example, is the limit really necessary and enabling or is it a cause of the public problem they are trying to address and an obstacle to its solution?<sup>83</sup> To raise this kind of question is, as Rainer Forst points out, to do no more than invoke the democratic right to ask for a justification of the rules that govern their conduct in this system of government (the liberal public sphere), as in any other.<sup>84</sup> It also can be seen as a public responsibility from the democratic perspective.<sup>85</sup> Reciprocally, those who are responsible for imposing and enforcing the limit (the government) have a democratic duty to respond: to enter into a dialogue over the validity of the limit in question. This question and answer dialogue between governors and governed renders their form of government 'democratic' in the classic sense: those subject to the rules have an effective say over them. This democratic test of the validity is the enactment of the democratic public freedom of bringing a given rule into the space of public questions and submitting it to public scrutiny, rather than unquestionably submitting to it.

The initiation of this kind of question brings a *democratic* public sphere into being, in this case around the public discussion of a limit of the liberal public sphere.<sup>86</sup> That is, it treats the critical liberal as a fellow citizen and his or her claim of a limit as one (liberal) proposal to be examined in the broader democratic public sphere, along with conservative, socialist, anarchist, ecologist, feminist, religious, non-violent and other proposals, not as a legislative imperative imposed from outside the public sphere that must be obeyed without question.

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<sup>83</sup> For example, these are the sorts of questions feminists raise to the limits, especially the private/public distinction that protects the differentiation of institutional spheres underneath the liberal public sphere. See Johanna Meehan, ed. *Feminists Read Habermas*.

<sup>84</sup> Rainer Forst, 'Towards a Critical Theory of Transnational Justice', Thomas W. Pogge, ed. *Global Justice* (Oxford: Blackwell, 2001), pp. 169-87.

<sup>85</sup> Michel Foucault, 'Confronting Governments: Human rights', in Michel Foucault, *Power: Essential Works, Volume 3*, ed. James D. Faubion (New York, 2000), pp. 474-75.

<sup>86</sup> This is the fourth feature of the field in the Introduction. It happens any time citizens in a public sphere raise questions about its rules.

The critical liberal forecloses this reflexive democratic question by claiming that the limits of the liberal public sphere are the background enabling conditions of questioning within the public sphere.<sup>87</sup> However, in raising this kind of question a citizen simply invokes a basic criterion of legitimacy that critical liberals - and Habermas in particular - share with the critical democrat. The principle is the equiprimordiality of the rule of law (constitutionalism) and democracy (or popular sovereignty).<sup>88</sup> That is, the elaboration of constitutionally prescribed limits to the exercise of democratic capacities of self-determination of free and equal citizens and peoples should be co-articulated in relationships in which those who are subject to them can have a democratic say over them. This co-articulation norm combines the rule of law and the consent of the governed. Yet, the critical liberal claims that a complex constitutional framework, a system of underlying institutions and a discursive script in which to think about them are all exempt from the co-articulation requirement. The citizens who raise the question are simply asking that this justification be presented and discussed in the public sphere.

The justification of the exemption of all these limits from the democratic test is that they could be proved to be, from the theoretical perspective outside the public sphere, the universal and obligatory *form* of the exercise of the democratic capacities of free and equal citizens for self-determination always and everywhere.<sup>89</sup> They are 'self-limiting': constitutive rules of the public sphere, not a regulative rule that could be discussed within it. Yet, the constitutive *status* of the limits of the public sphere is *presupposed* in the first step of the critical liberal approach, in *taking* the normatively reconstructed implicit limits of the particular given or factual liberal public sphere as the universal background conditions of participation in any public sphere. And this presupposition runs throughout the argument, insulating the limits from democratic testing as they are explicated.<sup>90</sup> The democratic question opens this closed circle by bringing the limit and the presupposition that serves to justify its exception into the space of questions and submits it to the test of public reason. In so doing the questioner does no more than hold the critical liberal to his or her own criterion of legitimacy in the very institution that is designed for this purpose, the public sphere.

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<sup>87</sup> See Section 2.v.

<sup>88</sup> Habermas defends this principle in 'On the Internal Relations between the Rule of Law and Democracy' and *BFN* chapters 3 & 4.

<sup>89</sup> See quotations at notes 64-68.

<sup>90</sup> See quotations at notes 28-32. That is, it is presupposed that citizens always already ought to act within the system of rights.

The critical liberal who disallows the question in the public sphere places a whole framework of the constitutional rule of law and the underlying institutions it orders *prior to and insulated from* the practice of democratic examination and thereby violates the equiprimordiality criterion. This view of the relation between constitutionalism and democracy is correctly called the *juridical containment* premise. The constitution contains democratic activity to reform within the boundaries of the constitutionally protected system of spheres and institutions, which are off limits.<sup>91</sup> This is a classic ‘liberal’ approach, rather than the ‘liberal-democratic’ approach of combining the rule of law and democracy equally.<sup>92</sup> Critical democratic citizens and free peoples who insist on their democratic right to question what is given to them as universal, necessary or obligatory limits to democracy, and critical liberal democrats who think twice and accept the invitation to join in the public discussions, are the upholders of the equiprimordiality criterion.<sup>93</sup>

Critical democrats are not only saying that a presumptive limit of the liberal public sphere and the corresponding vocabulary *could* be questioned, negotiated and gone beyond by some step. Such free citizens and free peoples actually *take* the intermediate step and go beyond a limit by asking the question and invoking the shared equiprimordiality criterion to justify it.<sup>94</sup> This practice of public questioning *is* the exercise of a democratic public capacity that is supposed to be off limits. The limit that is questioned is no longer beyond question but brought into question, and the activity of questioning brings a democratic public sphere into question. This step inaugurates the democratic sense of critique and transformation in contrast to the liberal sense of critique and reform. In bringing a limit into the space of public questions it is transformed from its status as an untouchable structure of domination beyond the reach of the liberal public sphere into its status as a regulative relationship of

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<sup>91</sup> For recent analyses of the juridical containment and the equiprimordiality theses, see Martin Loughlin and Neil Walker, ed. *The Paradox of Constitutionalism: Constituent Power and Constitutional Form* (Oxford, 2008), especially Rainer Nickel, ‘Private and Public Autonomy Revisited: Habermas’ concept of co-originality in times of globalization and the militant security state’, pp. 147-69.

<sup>92</sup> Isaiah Berlin is a classic example of a liberal approach in this sense.

<sup>93</sup> Commentators have pointed out that the same issue of equiprimordiality arises in discourse ethics. The rules for the exchange of public reasons are claimed to be the universal enabling conditions of free and equal deliberation and therefore beyond question by the deliberators who are subject to them.

<sup>94</sup> Examples of free citizens invoking the democratic test are of course legion. However, it is just as common in the case of free peoples, for example, when they invoke the right of self-determination. Most of the revolutions for decolonisation in the mid-twentieth century and resistances to the imposition of neo-liberal legal orders are justified in these democratic terms.



power open to testing, negotiation and modification within the democratic public sphere.<sup>95</sup> In taking this step we have moved around to approach the field of public spheres from the critical democratic perspective.

#### 4. *The critical democratic and pluralist approach to the multiplicity of public spheres*

##### 4.i. *Bringing a public sphere into being here and now*

Like the liberal, the democrat begins from the everyday Socratic scene of a couple of people and bystanders raising questions about the way they are governed. From the democratic perspective of citizens, a public sphere is brought into being when some of those who are subject to a system of government turn around and call some *aspect* of it into the space of public questions.<sup>96</sup> In engaging in this *practice* they transform themselves from subjects of a form of government to *active agents* - or 'citizens' in the classic or 'active' sense - *in and of* the form of government.<sup>97</sup> In entering into dialogue relationships with each other in taking up and discussing the public question (or questions) they form a 'public' in one of the many senses of this term. Their form of cooperative public questioning is a 'sphere' in at least three senses: (1) it 'takes place' here and now in this particular questionable relationship of government, this locale and this ecosystem, (2) their association is a definite sphere or form of public activity, and (3) they extend and hyper-extend by various means a 'sphere of influence' on immediate bystanders and audiences near and far. In Hannah Arendt's famous formulation, they bring a 'public world' into being.<sup>98</sup>

Unlike the liberal approach, this concrete public space does not need to be 'abstracted' from its local context and the particular question of injustice does not to be 'generalised' into an abstract problem from the vernacular languages in which it is articulated for it to become a public sphere. As public sphere journalists, novelists, historians,

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<sup>95</sup> For a familiar formulation of this distinction between democratic and liberal forms of critique, see Foucault, 'So Is it Important to Think?' in Foucault, *Power*, pp. 454-58, at pp. 456-57.

<sup>96</sup> By 'subject to' I mean both official members of the form of government and anyone subject to its affects (that is, all affected).

<sup>97</sup> For a careful analysis of this transformative practice to which I am indebted, see Aletta Norval, *Aversive Democracy: Inheritance and originality in the democratic tradition*, (Cambridge, 2007).

<sup>98</sup> Arendt, 'What is Freedom?'. p. 151-56.

anthropologists and public philosophers have known for centuries, sufficient criteria of publicness are already present at hand for this situation to be an effective public sphere.<sup>99</sup>

When subjects engage in the difficult yet commonplace practice of turning and reflecting on an aspect of the relationships of power, knowledge and subjectification that govern their conduct, they bring that aspect into the immediate public sphere they create. They take the questionable relationship out of the 'private' realm of its place in the routine and taken-for-granted background of everyday life and submit it to the light of public scrutiny. They publicise it. When women turn and call into question a patriarchal relationship in the household, children demand a voice in family relations, workers bring forth an arbitrary condition in the workplace, civil servants go public with a document, students demand a say in the educational system, soldiers seek to democratize the military, consumers refuse to buy sweatshop products, or a colonised people turn and challenge an imperial relationship of subordination, they bring to public awareness in an a public sphere what lies in the unquestioned background sphere of the given system of norms of recognition and action coordination, where the governing relationship 'goes without saying'. These are the democratic senses of the 'private' (goes without saying) and 'public' (having a say) spheres.

The democratic senses of private and public differ from the liberal senses; yet both derive from the Greek practice of calling the household private and the political realm public. Early modern state builders and the liberal tradition interpreted this as a reference to two separate institutionalised spheres or subsystems and continued to use the terms in this way, constructing a system of private and public rights around them that shielded autocratic relationships in the family and private corporations from change.<sup>100</sup> The democratic tradition interpreted this as a reference to two different kinds of *relationships* and continued to use the terms in this sense, regardless of their institutional location. A private relationship is one of command and obedience (monological) whereas a public relationship is open to the free

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<sup>99</sup> When, for example, Halima Bahir wrote her terrifying memoir of rape and violence in Darfur, *Tears of the Heart*, she realised that the personal stories of the female victims would create a much more effective global public sphere than the recounting of statistics and the abstract and arcane manipulation of universal principles of justice. Richard Rorty has probably done the most to advance this defence of concrete democratic public spheres and the corresponding criticism of the liberal public sphere as abstract and idle.

<sup>100</sup> See Section 1 on Habermas, *The Structural Transformation* and Calhoun, ed., *HPS*, at the continuation of these separate spheres in Habermas, *BFN*, Section 2.i and 2.v.

speech and negotiation of the partners.<sup>101</sup> Over the last two hundred years, feminists, advocates of the rights of the child, workers demanding a say in the workplace, abolitionists, anti-imperialists and so on have employed this sense to make *public* and *democratize* relationships within the liberal institutional private sphere, often without any official right to do so and at great cost to themselves.<sup>102</sup> Democratic governments and courts have occasionally responded to these struggles by granting subjects in the so-called liberal private sphere public rights of consultation and negotiation over the governance relationships they bear, thereby helping to transform the liberal private sphere beyond recognition.<sup>103</sup>

#### 4.ii. *Public spheres and forms of government*

Consequently, the Arendtian moment of the irruption of a democratic public sphere can occur in any system of governance in which we find ourselves, across the institutionalised liberal public and private spheres. This is difficult to see due to the peculiar development of public spheres in the West. On the one hand, in the early modern period ‘government’ was used in a broad sense to refer to any practice of some people governing the conduct of others, from households, schools, churches, guilds, poorhouses and local parishes to navies, city-states, emerging centralised states, leagues and empires. According to Michel Foucault, the critical democratic tradition in the West emerged in innumerable acts of insubordination and counter-conduct in these diverse forms of government, often successfully transforming them from unilateral master-servant relationships to forms of government in which the subordinate partner had an effective say to the principal over the character of the relationship between them in tailor-made public spheres.<sup>104</sup>

On the other hand, as modern states gradually claimed to centralise all power relationships under their juridical auspices, the term ‘government’ tended to be restricted to the central representative government and ‘public participation’ to engagement in the corresponding official or bourgeois public sphere at the national level, as both Habermas and Foucault show. The multiplicity of local forms of government and their correlative public spheres were subordinated to central authority, not without continual resistance to

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<sup>101</sup> The classic interpretations in this democratic tradition are Hannah Arendt, *The Human Condition* (Chicago 1998 [1958]), Moses I. Finley, *Democracy: Ancient and Modern* (London 1973), and Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley 2003 [1984]).

<sup>102</sup> See the chapters in Calhoun, ed. *HPS* and Meehan, ed. *Feminists Read Habermas*.

<sup>103</sup> See below at 4.iv.

<sup>104</sup> See Michel Foucault, ‘What is Critique?’, *The Politics of Truth*, ed. Sylvère Lotringer (Cambridge MA 2007), pp. 41-82. This article is drawn from his Lectures at the Collège de France 1997-1978. See Michel Foucault, *Security, Territory, Population*, tr. Graham Burchell (London 2007).

this usurpation of local authority. Modern political theory went along with this trend. It took the centralised institutions of representative government and the official public sphere as its central and virtually exclusive focus and downplayed and denigrated the local. The everyday public world of diverse forms of governments and public spheres was concealed by the widely held fiction that individuals or peoples moved from a state of nature directly to members of centralised nation states with rights of participation in the national or federal public sphere. Moreover, as Hobbes recommended, the central state claimed to establish the public sphere and its rules of participation, and thus to be the necessary precondition of its existence. Thus, the juridical containment premise appeared to be accurate.<sup>105</sup>

Notwithstanding this centralist revolution, the crazy quilt of practices of government and companion public spheres not only continued but expanded exponentially, as the historians of the multiplicity of the public sphere have pointed out. As Foucault puts the general point, the ‘forms and the specific situations of the government of some by others in a given society are *multiple*: they are superimposed, they cross over, limit and in some cases annul, in others reinforce, one another.’ And, in any form of government, from a master-servant relationship to an empire-colony relationship, there is always an internally related or co-original public sphere game created by the agonism between governors and governed: the limited yet ongoing freedom of negotiation of the relationship between them.<sup>106</sup> From the perspective of the democratic and popular sovereignty traditions, this multiplicity of public spheres is seen as the sovereign people exercising their constituent powers as publics in practices of government. Yet, as we have seen, even today the multiplicity of other types of public spheres continue to be seen as peripheral or ‘subaltern counter-publics’ relative to the hegemony of the official central public sphere in practice and theory.<sup>107</sup>

#### 4.iii. *The global pluralism of public spheres and forms of government*

These local public spheres might be called ‘specific’ or ‘customised’ public spheres because they involve a specific number of people and are centred around a specific public good of their specific form and situation of government. Yet, the local public goods that they discuss are generalisable around the world: fair wage, pay equity, environmentally friendly work conditions and products, fair trade between North and South and, of course,

<sup>105</sup> Habermas in *The Structural Transformation* and Foucault in *Security, Territory, Population* both agree on this general history.

<sup>106</sup> Foucault, ‘The Subject and Power’, in *Power*, pp. 326-49, at p. 345.

<sup>107</sup> Fraser, ‘Rethinking the Public Sphere’.

the guarantee of the freedom to enter into these kinds of public spheres around issues of common concern with the relevant powers-that-be. A customized (and often customary) public sphere in one place speaks to the similarly situated public audiences all along global networks of production, consumption and volunteer activities, and their voices are amplified by electronic networks of email, Youtube, Face Book and so on. Public audiences learn from the shared experiences and create their own public spheres with the ways and means appropriate to their niche. Perhaps, as Raj Patel argues, one of the most spectacular examples is the rapid rise of a glocal network of public spheres throughout the global chain of food production, consumption, disposal and reuse around caring for the public good of food sovereignty.<sup>108</sup> Of course the networking of public spheres began well before what Manuel Castells calls the 'network revolution' of the late twentieth century.<sup>109</sup> The most successful example is the 'international' public spheres of the nineteenth and twentieth centuries that brought together citizens from the imperial and colonial worlds to discuss the abolition of imperialism and liberation.<sup>110</sup> However, the creation of the World Wide Web has increased glocal public sphere networking astronomically, again in tandem with networked forms of global governance. In turn, these digitized public spheres have given rise to a whole new academic field of research, critical digital studies.<sup>111</sup>

The *variety or plurality* of public spheres follows from the features enumerated so far. Public spheres are not exclusive to a particular kind of government such as Western constitutional representative government and its underlying institutions. Public spheres develop in interaction with the specific forms and situation of government that publics submit to the test of public reasons in various ways. Their development, internal organisation, types and degrees of institutionalisation, networkisation and rationalisation, and relationships to other public spheres, audiences and governments are accordingly various, variable and open-ended. Moreover, there is not only a pluralism of public spheres within and across western-style constitutional associations, both national and transnational, but also a pluralism of non-western public spheres in critical relationships with their corresponding

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<sup>108</sup> Raj Patel, *Stuffed or Starved: The Hidden battle for the world food system* (New York 2008).

<sup>109</sup> Manuel Castells, *The Rise of Network Society* (Oxford 1996).

<sup>110</sup> See Robert Young, *Postcolonialism: An historical introduction* (Oxford, 2001) pp. 113-58. These public spheres would be illegal according to the limits of the liberal public sphere.

<sup>111</sup> For an introduction to the field of digitized public spheres see Arthur and Marilouise Kroker, eds., *The Critical Digital Studies Reader* (Toronto, 2008), Born, 'Mediating the Public Sphere', this volume, and Drache, pp. 89-114.

forms of government. These persist in damaged forms after centuries of colonial imposition of western institutions and public spheres.<sup>112</sup> In each particular case, the public sphere ‘democratises’ the form of government by bringing it under the public discussion of those subject to it. This is the grass roots sense of ‘democratisation’ of the democratic approach. This kind of democratisation is as various and pluralistic as the forms of government it is tailored to democratise. In contrast, the critical liberal sense of ‘democratisation’ is the global projection of one modular form of government (representative government), public sphere (the general liberal public sphere), institutional preconditions and constitutional container.

From the critical democratic perspective, therefore, we can distinguish four historically interrelated kinds of global pluralism: legal, governmental, democratic and public sphere pluralisms. This is not only a conceptual conclusion, but the conclusion of multidisciplinary empirical research on democratisation since Decolonisation.<sup>113</sup> Moreover, this research also shows that since the Cold War, the ‘low intensity democracy’ of the liberal public sphere and its mutilayered legal regimes and economic institutions have been relentlessly promoted by the powerful agents of neo-liberal globalisation in tension with the pluralism of ‘alternative democracies’ from below.<sup>114</sup> The most dangerous aspect of this globalising project from the democratic perspective is the argument that it can be imposed throughout the former colonial world without the agreement of the governed because it

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<sup>112</sup> See, for example, Mahmood Mamdani, ‘Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism’, (Princeton 1996).

<sup>113</sup> The best introduction to this global research is Julia Paley, ‘Toward an Anthropology of Democracy’ and Drache, *Defiant Publics*. For an introduction to legal and governmental pluralism, see Boaventura de Sousa Santos, *Toward a New Legal Commons Sense: Law, Globalization and Emancipation* (London, 2002) and Boaventura de Sousa Santos and Cesar A. Rodriguez-Garavito, eds., *Law and Globalization from Below: Towards a cosmopolitan legality* (Cambridge, 2005). For specific studies of alternative democracies and public spheres in addition to references in the above works, see Janine Brodie, ‘Introduction: Globalization and citizenship beyond the nation state’, *Citizenship Studies*, 8, 4 (December 2004), pp. 323-32, Janet Conway, ‘Citizenship in Time of Empire: The World Social Forum as a New Public Space’, *Citizenship Studies*, 8, 4 (December 2004), pp. 367-81, Bridgett Williams-Searle and Harvey Amani Whitfield, ‘Introduction: Citizenship struggles in North America and the Caribbean’, *Citizenship Studies*, 10, 1 (February 2006), pp. 1-4, Patricia K. Wood, ‘Aboriginal/Indigenous Citizenship: An introduction’, *Citizenship Studies*, 7, 4 (2003), pp. 371-78, Niger Dower, *An Introduction to Global Citizenship* (Edinburgh, 2003).

<sup>114</sup> See Paley, ‘Toward an Anthropology of Democracy’, Alison J. Ayers, ‘Imperial Liberties: Democratization and Governance in the ‘New’ Imperial Order’, *Political Studies*, [www.blackwell-synergy.com/doi/full/10.1111/j.1457-9248.2008.00723.x](http://www.blackwell-synergy.com/doi/full/10.1111/j.1457-9248.2008.00723.x), Tony Evans and Alison J. Ayers, ‘In the Service of Power: The global political economy of citizenship and human rights’, *Citizenship Studies*, 10, 3 (July 2006), 289-308, Paul Cammack, ‘U.N. Imperialism: Unleashing entrepreneurship in the developing world’, in *The New Imperialism: Ideologies of Empire*, ed. Colin Moers (Oxford, 2006), pp. 229-60, Eric Hershberg, ‘Democracy Promotion in Latin America’, *Democracy and Society*, 4, 2 (Spring 2007), pp. 3-5, Tanya Basok and Suzan Ilcan, ‘In the Name of Human Rights: Global Organisations and Participating Citizens’, *Citizenship Studies*, 10, 3 (2006), pp. 309-27.

simply establishes the legal and institutional preconditions of democratic participation, of giving public agreement. The right of the self-determination of peoples was specifically designed during the decolonisation period to check this imperial justification. But, as we have seen, the critical liberal tradition has absorbed this challenge in the post-colonial period by counter-arguing that the liberal module of the system of rights of representative democracy and market freedoms is the universally legitimate form of self-determination, thereby legitimating its implantation and de-legitimizing resistance to it.<sup>115</sup>

Nothing illustrates the interrelated pluralism of the field of public spheres better than the public life and influence of Mahatma Gandhi. From the publication of *Hind Swaraj* (Home Self-Government) in 1909 to his death, Gandhi brought to the attention of the world the non-violent and self-governing public spheres in and among Indian villages and adapted them to contesting imperialism, economic exploitation, gender inequality, religious intolerance and environmental degradation.<sup>116</sup> His followers, from Fritz Schumacher to the Chipko and living democracy movements today, have continued to revive and extend concentric circles of these homespun village public spheres and general public goods.<sup>117</sup> These alternative democracies and public spheres have been studied and voluntarily adapted in Africa, Latin America, North America and Europe.<sup>118</sup>

#### 4.iv. *Popular sovereignty, public spheres and public goods*

The classical way to formulate any public question in a public sphere about its corresponding form of government and for a public audience is in terms of ‘public goods’. That is: ‘is this aspect of the way we are governed that we are bringing to the attention of the public actually serving public goods or is it harming them in some way?’ This is, as John Locke restated at the beginning of the modern period, the general description under which citizens have a right and duty to appraise and judge their governors in any form of

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<sup>115</sup> See above Sections 2.v and 3. The subsumption of the right of self-determination into the constitutional container of liberal capitalism during decolonisation is standardly attributed to Woodrow Wilson and the tradition of Wilsonian liberal imperialism (See Chalmers Johnson, *Sorrows of Empire* (New York, 2003)). For an important response to the imperial uses of this argument from a leading critical liberal theorist, see Jean Cohen, ‘Rethinking Human Rights, Democracy and Sovereignty in an Age of Globalization’, *Political Theory*, 36, 4 (August 2008), pp. 578-606.

<sup>116</sup> M.K. Gandhi, *Hind Swaraj and Other Writings*, ed. Anthony J. Parel (Cambridge, 1997).

<sup>117</sup> For an introduction to these Gandhian movements and their public sphere activities and influences see Robert Young, *Postcolonialism: A very short introduction* (Oxford, 2003), pp. 93-121, and Thomas Weber, *Hugging the Trees; The Story of the Chipko Movement* (New Delhi, 1988).

<sup>118</sup> For an introduction to the global influence of Gandhi’s public sphere activities, see David Hardiman, *Gandhi in His Time and Ours* (Mumbai, 2003) and Thomas Weber, *Gandhi as Disciple and Mentor* (Cambridge, 2004).

government and to overthrow them if they violate the public good and fail to amend their ways. The premise that underlies this form of argument is that the citizens, the people, have the public capacities to govern themselves in accordance with the public good if they so wish, in the form of direct democracy. The people are sovereign. In forms of government where the governed and governors are different people, the citizens delegate and entrust some of their public capacities to exercise powers of self-government to their governors on the condition that they exercise these delegated powers in accord with the public good or goods. Citizens retain a range of capacities that they exercise directly in their various activities (e.g. in the private sphere in the liberal sense), regulated by the government. The range of delegated capacities differs in different forms of government (e.g. socialist, capitalist or cooperative economic organisation) and with different political parties within one form of government, yet the people always retain the public capacities to appraise and judge the performance of their governors in serving the public as they entrust them to do so, and to remove and replace them if they fail. They are thus never ‘incapacitated’ (treated as subjects rather than active citizens) because, ultimately, they determine which public capacities they exercise themselves, which they delegate to governors, and they literally govern the way their governors exercise these powers (by judging their performance and calling them to account if necessary). This is the popular sovereignty representation of public capacities and the powers of government<sup>119</sup>

In this democratic representation of the exercise of public capacities the public sphere plays an *indispensable* role. It is the place where citizens exercise their public capacities to judge and hold to account their governors in accord with the public good. Governors cannot govern in accord with the public good unless they guided to do so by the public discussion of their governance by the governed and by the threat of removal if they fail to learn from the public dialogue. If the governed fail to engage in the public sphere and turn

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<sup>119</sup> By far the most influential articulation of popular sovereignty and delegated government is John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge, 1994 [1689]). For this interpretation of it, see James Tully, ‘An Introduction to Locke’s Political Philosophy’, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge 1994), pp. 9-70. This doctrine is excluded from the liberal public sphere (see quotation at note 59). It is the doctrine that brought liberalism to power in the democratic revolutions of the eighteenth and nineteenth centuries in Europe, North America and Latin America. But once liberals gained power, and since Kant in theory, they outlawed the democratic theory and practice of popular sovereignty and subsumed popular sovereignty under liberal institutions and constitutions (See Kant, ‘On the Proverb: That it may be True in Theory, But is of No Practical Use’, *Perpetual Peace and Other Essays*, pp. 61-92, at pp.78-84.).



to private affairs (that is, do not raise any public question about the form of government), then the unrestrained (or ‘ungoverned’) governors are unable to exercise public capacities in accord with the public good on their own, and they exercise them in accord with their private good. The governors become corrupt. Conversely, if the governed fail to enter into the public sphere, speak truth to power and engage in the public dialogue with their governors, they fail to develop their public democratic capacities as citizens to speak frankly and act in accord with the public good. They turn to their private affairs or they treat their governors as unrestrained masters and toady up to them, rather than developing the public courage to speak truthfully to the powerful. They become servile rather than mature public actors. The relationship of self-interested masters and servile servants permeate the relationships of governance in all areas of society, from child rearing and early education to higher education, gender relations, the work place, the church and the military, as Mary Wollstonecraft famously argued.<sup>120</sup> Hence, the public sphere is a sphere of mutual subjectivisation, where the continuous *dialogue* between the governed and their entrusted governors over the delegation of capacities of self-government and the public good in public spheres creates good citizens and good governors.<sup>121</sup>

Now, there are numerous advantages to thinking of public spheres in this broad popular sovereignty way – as self-governing publics discussing how the government is exercising their entrusted public capacities relative to public goods. One of the most important advantages is that it empowers citizens to free themselves from the ways public issues and the limits for discussing them are framed by the government, media, private corporations or other powerful actors. Once the official frame or script is accepted public discussion is reduced to being for it, in various permissible positions, or against it, in mirror-image counter-publics. By seeing themselves as sovereign with respect to their governmental delegates, publics free their capacity for autonomous public judgement from submission or

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<sup>120</sup> Mary Wollstonecraft, *The Vindication of the Rights of Woman*, ed. Sylvana Tomaselli (Cambridge 1995).

<sup>121</sup> This modern Lockean account of the dynamics of popular sovereignty and democratic government in the public sphere has its roots in the Athenian practice of partners speaking freely and critically (*parrhesia*) in relationships of governance. This was called a *parrhesiastic pact*. The classic statement of it, on which I have drawn, is the dialogue between Jocasta and Polyneices in Euripides, *The Phoenician Women*, in *Orestes and Other Plays*, tr. Phillip Vellacott (New York, 1983), lines 386-94. For a contextual survey of this complex practice in the classical period, see Michel Foucault, *Fearless Speech* (Los Angeles, 2001). For the development of free and critical speaking (*parrhesia*) in public spheres in early modern England, see David Colclough, *Freedom of Speech in Early Stuart England* (Cambridge, 2002).

opposition to the given frame and are able to bring forth their own formulations of public questions and public goods.<sup>122</sup> They call into question or ‘problematise’ the official public discourse and the oppositional counter-discourse in the critical democratic sense of problematise.<sup>123</sup> This is the opposite of the critical liberal sense of ‘problematise’, which consists in channeling and translating such alternative public questions back into the official language of public policy problems.<sup>124</sup>

Although this is an old insight of the popular sovereignty tradition, Jonathan Schell argues that Vaclav Havel brought it to the lasting attention of democratic citizens around the world in his reflections on the build up to the Velvet Revolution, which he understood as an exercise of popular sovereignty. Publics who define themselves in opposition, Havel writes, are no better off than those who uncritically accept the given public discourse.<sup>125</sup>

People who so define themselves do so in relation to a prior ‘position’. In other words, they relate themselves specifically to the power that rules society and through it, define themselves, deriving their own ‘position’ from the position of the regime. For people who have simply decided to live within the truth, to say aloud what they think, to express their solidarity with their fellow citizens, to create what they want and simply to live in harmony with their better ‘self’, it is naturally disagreeable to feel required to define their own, original and positive ‘position’ negatively, in terms of something else, and to think of themselves primarily as people who are against something, not simply as people who are what they are.

In other words, the popular sovereignty understanding of public spheres is the discursive feature that enables subjects to take the very first step of bringing into being a democratic question, a democratic public and a democratic public sphere.<sup>126</sup>

#### 4.v. *Public reasoning in conditions of plurality*

At the centre of the liberal public sphere is a particular form of the exchange of public reasons. It consists in arguing *pro* and *contra* proposed propositions in ascending steps

<sup>122</sup> As we have seen for example with Gandhi, whose public questions and public goods fit neither the imperial nor the anti-imperial script.

<sup>123</sup> For this sense of ‘problematise’ see Foucault, ‘Polemics, Politics and Problematizations’, *Ethics, Subjectivity and Truth*, ed. Paul Rabinow (New York 1997), pp. 111-20.

<sup>124</sup> See quotation at note 42..

<sup>125</sup> Vaclav Havel, *Disturbing the Peace*, (New York, 1990), p. 83, cited in Jonathan Schell, *The Unconquerable World: Power, non-violence and the will of the people* (New York, 2003), p. 197. Schell compares Havel’s ‘living in truth’ in the public sphere with Gandhi’s ‘experiments with truth’.

<sup>126</sup> I mean the first step at 4.i. For the non-discursive feature, see 4.vii.

of abstraction and generalisation in accordance with a set of universal rules and with the aim of reaching agreement on a generalisable public opinion.<sup>127</sup> In contrast, if the free exchange of public reasons is approached from the democratic perspective this deliberative model is seen as one limited mode of public reasoning, as Iris Marion Young shows in her path breaking studies of contemporary public spheres. It is appropriate for a small number of well-focused public propositions for which a pro and contra form of reasoning is appropriate. Most public issues are much more multiplex than this. Rather, she goes on to suggest, a more appropriate and disclosive critical hypothesis of the field as a whole is the one initially advanced by Hannah Arendt: of an irreducible *plurality* of genres of public reasoning and intersecting public judgments by differentially situated citizens over the contested public goods of their shared public world. The underlying idea is that the public sphere should always open to the public freedom of the plurality of voices that it excludes or misrecognises to challenge the prevailing rules recognition and participation.<sup>128</sup>

The reason for the plurality is that public judgments are evaluative descriptions of public problems concerning the exercise of delegated powers of government from the contextual perspectives of citizens. They bring to public light problematic *aspects* of their shared world from their different locales (places) and identities (cultural, religious, etc.) and they formulate them in the vernacular public language or languages. This is the very condition of having one's own public voice, as Havel argues.<sup>129</sup> It solicits other participants to learn to listen and attend to the specific aspects of the situation that matter for each speaker and constitute the reason for exercising the civic courage to speak publicly, as well as attend to and demand a fair hearing for those who are legally excluded from a public sphere but are massively affected by the political decisions that the privileged participants are discussing.

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<sup>127</sup> See above, 2.ii.

<sup>128</sup> Iris Marion Young, *Intersecting Voices: Dilemmas of gender, political philosophy, and policy* (Princeton, 1997). In this section I also draw on Aletta Norval, *Aversive Democracy*, Linda Zerilli, *Feminism and the Abyss of Freedom* (Chicago 2008), Rosemary Coombe, 'Introduction: Identifying and Engendering the forms of Emergent Civil Societies: New directions in political anthropology', *Political and Legal Anthropology Review*, 20, 1 (1997), pp. 1-12. For a comparison of Arendt and Habermas on the public sphere, see Steven Crowell, 'Critique of Public Reason: Normativity, Legitimation and Meaning in the Public Sphere', this volume.

<sup>129</sup> See also David Owen, 'The Expressive Agon', *Law and Agonistic Politics*, ed. Andrew Schaap (London 2009).

Presenting and listening to plural public judgments over public problems and public goods requires the linguistic skills of using and understanding the complex semantic range of shades of meaning of the shared public languages that the editors of the OED, Wittgenstein and ordinary language philosophers of reason and rhetoric have investigated over the last century. These public skills enable the participants to move around and see their shared world and shared problems from the aspectual points of view of others and, at the same time, see the partiality of their own. In this critical and comparative way, citizens are able and criticise and disrupt the human, all too human temptation to over-generalise from local, sedimented prejudgments and put claims to universality to the democratic test. These difficult intersubjective public skills of learning one's way around in this irreducible plurality of public judgments of fellow citizens and all affected non-citizens, of making critical and comparative judgments relative to variously interpreted public goods (and various views on how best to care for them), and of extending the uses of public terms in new ways are not something to be transcended. They are the only means to democratic public education and enlightenment about the multifaceted public problems of the common world that diverse citizens share with each other in the global webs of relationships they inhabit. Rather than homogenizing the plurality of public judgements that survive critical comparative reasoning, they respect the irreducible diversity of views and begin the difficult task of negotiating a provisional agreement that incorporates aspects of each, yet which is always open to question, revision and renegotiation as they move forward.<sup>130</sup>

If, conversely, they are constrained to shed their differences and deliberate towards agreement on a general public opinion, public reasoning and judgments can become detached from and cover over the specific injustices from which they arise and to which they are supposed to respond. Less adversarial modes of public engagement can be relegated to the periphery. Public deliberation tends towards the amateur or professional disengaged manipulation of general principles and opinions divorced from and irrelevant to practice.<sup>131</sup> The turn to modes of critical, contextual and engaged public reasoning in conditions of plurality by democratic publics and critical democratic researchers in our time is a response

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<sup>130</sup> See John Stuart Mill, *On Liberty* (Toronto 1999), pp. 90-100, 101-121 for a strong endorsement of non-reductive public reasoning and the eclectic negotiating of differences over time from within the critical liberal tradition.

<sup>131</sup> See Charles Spinosa, Fernando Flores and Hubert L. Dreyfus, eds. *Disclosing New Worlds: Entrepreneurship, democratic action and the cultivation of solidarity* (Cambridge MA 1997), pp. 85-88 for a forceful presentation of these criticisms.

to the deficiencies of the abstract model of public reasoning of the liberal public sphere and the corresponding detachment of critical theory from practice.<sup>132</sup>

The criticism of abstract public reasoning is not new. Henry David Thoreau presented similar objections in his devastating critique of the corrupting effects of participation in the official public sphere in 1846 in order to protest the US invasion of Texas. He refused to waste his time participating in the charade and called for more direct forms of public sphere action, such as his refusal to pay taxes that supported the war and his public lectures that followed. Howard Zinn argues that Thoreau's creation of an exemplary public sphere composed of the concrete words and deeds of a single courageous individual has done more to stimulate effective public sphere activities ever since than all the long-forgotten public deliberators of his time, as Thoreau predicted it would.<sup>133</sup> The lesson is not to abandon participation in public sphere discussions in favour of public sphere action, but to link together as closely as possible critical public communication and public activity – words and deeds.

Like critical liberals, critical democrats are concerned with the manipulation of the public sphere and the manufacturing of public opinion by powerful actors, such as media, corporations, co-opted civil society organisations, security agencies, propaganda ministries and terrorist organisations. They also support legislative remedies.<sup>134</sup> However, with their stubbornly realistic orientation, critical democratic publics and researchers do not imagine ideal public spheres free of power and ideal legislation. Instead, they act with respect to these forms of distorting power in the public sphere as they do with respect to any other relationship of power that governs their conduct. They find ways to call them into question and expose the ways they suppress the plurality of public judgments and promote hidden agendas. The work of Noam Chomsky exemplifies this crucial public role of the democratic public intellectual today.<sup>135</sup> In Edward Said's remarkable survey of global electronic and literary public spheres, he illustrates how engaged and savvy public intellectuals, often

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<sup>132</sup> In many respects, this turn is a *return* to the more engaged and open-ended form of public reasoning typical of classical humanism from Aristotle to Montaigne. See Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* and Stephen Toulmin, *Return to Reason* (Cambridge MA 2001).

<sup>133</sup> Henry David Thoreau, *Civil Disobedience and Other Essays* (New York: Dover 1993). For the influence of Thoreau's exemplary public words and deeds on later feminist and other counter-practices, see Howard Zinn, 'Henry David Thoreau, in *A Power Governments Cannot Suppress* (San Francisco: City Lights, 2007), pp/ 121-43.

<sup>134</sup> This shared concern is at the heart of Habermas' defence of the public sphere (see text at note 50).

<sup>135</sup> See Robert F. Barsky, *The Chomsky Effect: A radical works beyond the ivory tower* (Cambridge 2007).

grounded in specific struggles, are able to both expose powerful actors and open public spheres to suppressed voices and visions of the public good.<sup>136</sup>

4.vi. *Three kinds of public sphere activity*

Citizens bring a public sphere into being and reason critically and plurally together about the public good of some aspect of the way they are governed in their various activities. As we saw earlier, this exercise of their public capacities of judging their government has to reach out and establish a dialogue with their governors.<sup>137</sup> This is the only way that they can effectively oversee the way their governors exercise the powers of self-government that the people entrusted to them to be employed in accord with the public good. Governors in any form of governance have yet other perspectives on public problems, and these need to be part of public discussions to gain fuller and more enlightened views of what the public good requires. They become good governors and good citizens only by being mutual subjects of these reciprocally enlightening relationships of democratic interdependency and mutual aid. Otherwise, they tend to pursue their private interests and public goods are not upheld.

Public spheres and governments can be connected in many ways: public media, institutions for listening to public opinion, focus groups and procedures of consultation. Over the last forty years, there has been a proliferation of institutions that embody the general *duty* to consult publicly those who are affected by a public policy of a government. This revolution has often been led by the courts forcing powerful public and private actors to consult with the people that their decisions will affect. These consultative public spheres are often effective in bringing powerful actors, whose organisations effect the lives, health and environment of millions of people, into the realm of public scrutiny, and who otherwise hide behind the cloak of the official private sphere and the rights of non-interference or under the fiction that there is no one actor responsible for the exploitative and destructive effects they produce on the world's population and environment. Ingenious public practices of consultation have been created and employed by soft power public actors in almost all forms of government, from the local to the World Bank, the World Trade Organisation and

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<sup>136</sup> Edward W. Said, 'The Public Role of Writers and Intellectuals', *Humanism and Democratic Criticism*, (New York, 2003), pp. 119-44.

<sup>137</sup> This is unlike the liberal public sphere, whose primary audience is the electorate.

the International Monetary Fund.<sup>138</sup> From the democratic perspective, these are all ways of making good on the equiprimordiality principle by means of bringing citizens and those who govern together in communicative public spheres.<sup>139</sup>

While the official public sphere is itself the official sphere of public consultation in modern societies, the duty to consult applies as well to its norms of recognition and participation. The rules and limits of participation in official public spheres have always been the site of struggles by groups that have been excluded or included and mis-recognised; from enfranchisement, suffragettes, abolition of slavery, to anti-imperial, immigrant, refugee, homeless, anti-poverty, minority and indigenous struggles today. These public struggles for public recognition are often illegal because they are struggles for the recognition of rights of public participation by means of public participation. The official duty to consult broadly on the norms of recognition and participation in the official public sphere helps to bring these great public struggles for recognition out of the realm of civil disobedience and into government supported practices of consultation, at least in principle. Consequently, where this consultative duty prevails, individuals, minorities, peoples, religious communities and minority nations now struggle legally not only for inclusion under standardized, difference-blind norms of recognition, but also for new norms of recognition in the official public sphere that give due recognition to their identity related differences.<sup>140</sup> Official public spheres are thus not the determined constitutional containers portrayed in the critical liberal approach, but ever-changing practices of negotiation between publics composed of recognised and non-recognized citizens and the governments of the day.

This multiplicity of public voices and modes of participation has caused enlightened governments to rethink their relationship to the official public sphere. Instead of seeing themselves as the guardians of an unfinished set of universally valid rules of recognition and participation, the defenders of a single public script and the promoters of a single public (liberal) culture of socialisation, they are beginning to step back and see themselves as the

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<sup>138</sup> For example, see Amrita Narlikar, *The World Trade Organisation: A very short introduction* (Oxford, 2005). For a more pessimistic view of public consultation at the World Bank, see Eric Toussaint, *The World Bank: A critical primer*: (Toronto 2008).

<sup>139</sup> For an introduction to this legal revolution, see Mary Liston,

<sup>140</sup> For an introduction, see Matthew Festenstein, *Negotiating Diversity: Culture, deliberation, Trust* (Cambridge 2005).

mediators and facilitators of multicultural and multireligious official public spheres.<sup>141</sup> They actively encourage the plurality of public judgments and scripts and the openness to new voices that critical democratic researchers and publics recommended in the previous section. This trend is promoted at the global level by the United Nations Alliance of Civilizations.<sup>142</sup> Of course, this trend was rolled back by the cynical use of 9/11/2001 to generate fear of the other and introduce securitization regimes through Security Council Resolutions that override the gains of the previous two decades.<sup>143</sup> Yet, new and audacious publics and public officials are speaking out against these restrictions and beginning again.

Even when the duty to consult is recognized, it is often reduced to listening to citizens, thanking them and continuing business as usual. What happens then? For citizens in democratic public spheres the seamless next step is to *act* publicly to try to bring the governor back to the table and not only talk, but also *negotiate* in good faith. For the critical liberal this is a step out of the public sphere, since the public sphere is limited to public discussion and the communication of opinions through channels of influence. But this is a limit on public spheres that incapacitates citizens in the exercise of their public capacities of holding their governors to the public good (by means of public communication and negotiation) and lets the irresponsible governor off scot-free. It undercuts the public partnership of mutual subjection on which the practice of democratic self-government depends. Since this partnership is established and enacted in the public sphere, or rather *as* the public sphere, to disallow the exercise of public capacities necessary to establish, enact and oversee the relationship between governors and governed is to disempower the public sphere. Consequently, publics who turn to forms of public, non-violent protest and direct action to bring the irresponsible governors to the negotiating table are the upholders of the integrity of the public sphere, as well as the equiprimordiality principle. Their extension of the term 'public sphere' to include this form of action is warranted. It appears to require an extensive argument only from the perspective of the liberal public sphere. From the

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<sup>141</sup> See Born, 'Mediating the Public Sphere', this volume, and Tariq Madood, *Multiculturalism: A civic idea* (Cambridge 2007).

<sup>142</sup> United Nations, *United Nations Alliance of Civilizations*, 2007, [www.unAOC.org](http://www.unAOC.org).

<sup>143</sup> Kim Lane Scheppele, 'The International State of Emergency: Challenges to constitutionalism after September 11', Unpublished MS, Princeton University, 2007.



perspective of the ordinary uses of the term 'public sphere', the inclusion of activities of public negotiation along with public consultation is the norm.<sup>144</sup>

In one of the most profound reflections on the public sphere in the twentieth century, Martin Luther King Jr. makes this point with crystal clarity.<sup>145</sup> Participation in a public sphere consists in four connected steps. The accumulation of facts and arguments to show that an injustice exists and the entry into dialogue and negotiation with those responsible are the first two. If they refuse to dialogue and negotiate then the step of preparatory training in self-purification and self-discipline is followed by non-violent public protest and direct action to bring them to negotiate in good faith. There is no difference in kind somewhere around the second step that takes citizens out of the public sphere and into some separate sphere. The public actors literally uphold the democratic public sphere in the seamless course of public action from public fact-finding, discussions and non-violent direct action to negotiation.

King writes, 'I have not said to my people: "Get rid of your discontent." Rather, I have tried to say that this normal and healthy discontent can be channeled into the creative outlet of nonviolent direct action'.<sup>146</sup> From the democratic point of view, the protestors are exercising their public capacities of judging and bring their government in line with the trust between them: to exercise their delegated powers in accord with the demands of freedom and justice included in the public good. Each step manifests the same yearning for freedom.<sup>147</sup> When moderate white and black leaders criticised him for engaging in nonviolent public action King answered them in the same way that Thoreau, also in jail, answered Ralph Waldo Emerson one hundred years earlier. The question is not why he acted publicly. The question is why did these citizens not join him?<sup>148</sup>

King's practice of public sphere discussion and action, and his remarkable reflection on it, drew inspiration from the earlier example of Gandhi. For King, Gandhi illustrated to the world how the governed can create local, regional, national and international public spheres, discuss imperial government from various perspectives, initiate public dialogues and

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<sup>144</sup> It is also interesting to note that negotiation publics often also negotiate the conditions of consultation and negotiation as they negotiate with governments over other public issues (See Heins, *Nongovernmental Organizations*).

<sup>145</sup> Martin Luther King Jr. *Letter from a Birmingham Jail*, [www.africa.edu/Articles\\_Gen/Letter\\_Birmingham.html](http://www.africa.edu/Articles_Gen/Letter_Birmingham.html).

<sup>146</sup> Ibid., p. 8.

<sup>147</sup> Ibid., p. 6.

<sup>148</sup> Ibid., p. 8.

negotiations, engage in public actions of non-violent non-cooperation when the government stonewalls and turns to violent repression, move the imperial power to quit India, and reappropriate and exercise their capacities of self-government as they see fit. As we can now see in hindsight, Gandhi and King discovered, publicised and democratised ‘a force more powerful’ than the greatest of ‘great powers’ on earth: the public sphere practices of non-violent dialogue, protest and negotiation.<sup>149</sup> Hundreds of thousands of publics have followed in their footsteps in creating non-violent negotiation public spheres in relation to multiple forms of government and public goods in order to fulfill the public responsibility that a public sphere is designed to facilitate.

An illustrative example is the formation of glocal publics around the public good of access to clean water as a basic requirement of life on the planet. These publics bring this general public problem to the attention of public audiences in public spheres around the world. They argue that the ability to access clean water is part of the public trust between governments and governed. They publicise who is affected by the lack of access to clean water (the poorest 60% of the world’s population), who is responsible for the privatization, commodification and pollution of the world’s water supply, and the regimes of national and international law and power that enforce and legitimate this injustice in terms of the private rights of the moderns. They also engage in non-violent, networked public protests, boycotts and negotiations under the publicity of global public spheres in hopes of moving distant public audiences to consider becoming involved. The crucial discovery of the water justice movement is that the problematisation and effective negotiation of this public problem would be incapacitated without the support of broad networks of local publics willing and able to communicate and act in public spheres. One of the leading public advocates and winner of Sweden’s Right Livelihood Award (the alternative Nobel), Maude Barlow, explains the real world situation as follows:<sup>150</sup>

On one side are powerful private interests, transnational water and food corporations, most First World governments and most major international institutions – including the World Bank, the International Monetary Fund, the World Trade Organization, the

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<sup>149</sup> Peter Ackerman and Jack Duvall, *A Force More Powerful: A century of nonviolent conflict* (London 2000). According to Ackerman and Duvall, as well as Schell in *The Unconquerable World*, non-violence is the greatest discovery in the history of the public sphere.

<sup>150</sup> Maude Barlow, *Blue Covenant: The global water crisis and the coming battle for the right to water* (Toronto, 2007), pp. xiii-xiv

World Water Council and parts of the United Nations (UN). For these forces, water is a commodity to be sold and traded on the open market. They have established an elaborate infrastructure to promote the private control of water, and they work in close tandem with one another.

On the other side is a large global water justice movement made up of environmentalists, human rights activists, indigenous and women's groups, small farmers, peasants and thousands of grass roots communities fighting for control of their local water sources. Members of this movement believe that water is the common heritage of all humans and other species, as well as a public trust that must not be appropriated for personal profit or denied to anyone because of inability to pay. Although they lack the financial clout of the water cartel, these groups have found one another through innovative networking and have become a formidable political force on the global scene.

In addition to non-violent public negotiation over public goods there are two other common types of public activity that should be considered integral parts of public spheres: public, non-profit community organisations and cooperatives. In both types of case, citizens do not enter into negotiations with governments to modify the way they are governed in a specific activity. Rather, these publics reappropriate the public capacities they delegated to governments and private corporations to govern a specific activity and they exercise these public capacities themselves in organizing and running the specific activity as a public community or a cooperative. For example, in the above quotation, many of the public actors struggling for water justice in glocal public spheres aim to bring the care and use of the world's fresh water under the public and cooperative self-governance of those who use it. They treat water as part of the public 'common heritage' that governments and private corporations have failed to govern in accord with the public good. So they take up the public responsibility of governing the use of water themselves. Public community organisations function along the same lines.

At the end of the nineteenth century, Peter Kropotkin famously catalogued hundreds of public community organisations and cooperatives in the European public sphere where citizens exercised capacities of self-government that private corporations and government agencies standardly exercised in their separate spheres: food, clothing, housing, health, settlement, education, transportation, non-violent dispute resolution, neighbourhood watch

and so on.<sup>151</sup> These two types of mutual aid associations, as Kropotkin called them, have grown in number and reach over the twentieth century and many circle the globe, from fair trade networks and global food cooperatives to community organisations for immigrants and refugees, victims of violence, the unemployed, public education and so on.<sup>152</sup>

Accordingly, public negotiation networks, community organisations and non-profit cooperatives are publics *in* public spheres. They participate in and uphold the communicative activities of public spheres and carry on public sphere activities in their distinctive organisations. Moreover, the *World Social Forum* functions as a large critical democratic public sphere in which members of these publics can meet and engage in and learn from critical and comparative public discussions and activities.<sup>153</sup> Yet, these publics are both *in and of* public spheres only *insofar* they exhibit in their own forms of organisation sufficient criteria of a public sphere. What counts as sufficient is a case by case and comparative question. At a minimum, they should be open to the public and public accountability. Their organisation should be under the democratic say of those who are subject to and affected by it, so they embody in their own activity the public freedom they advocate in the larger public sphere. They should carry on an open and pluralistic public conversation over the public powers they are exercising and the public goods they serve. Conversely, to the degree that they lack these features, they are organisations of civil society to the corresponding degree, rather than of the public sphere.<sup>154</sup> When this democratic test is applied to contemporary negotiation publics and cooperatives, the record is fairly dismal. Many are organised in a mirror image of the private corporations and public ministries they either negotiate with or replicate.<sup>155</sup> The response to this democratic deficit is the emergence of a new kind of mutual aid partnership between engaged community-based academic

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<sup>151</sup> Peter Kropotkin, *Mutual Aid A Factor of Evolution* (New York 1998 [1902]) and *The Conquest of Bread and Other Writings*, ed. Marshall S. Shatz (Cambridge 1995 [1892]).

<sup>152</sup> For an introduction, see Paul Hawken, *Blessed Unrest* (New York 2007).

<sup>153</sup> Janet Conway and Jakeet Singh, 'Is the World Social Forum a Transnational Public Sphere: Nancy Fraser, critical theory and the containment of radical possibility', *Theory, Culture and Society*, Forthcoming (2009). I am indebted to this fine study of the World Social and Forum in relation to the critical liberal approach to transnational public spheres.

<sup>154</sup> I am using civil society in the sense developed by Jean Cohen and Andrew Arato and employed by Habermas at *BFN*, pp. 366-70.

<sup>155</sup> Heins, *Nongovernmental Organizations*.

research and negotiation networks, community organisations and cooperatives in which each learns from the other how better to uphold a public sphere ethos.<sup>156</sup>

#### 4.vii *The ethical basis of the democratic public sphere*

The last and most important feature of a public sphere is its ethical basis. According to the critical liberal approach, a person steps out of the private sphere and directly into the public sphere, acts in accord with the liberal public culture and is socially integrated into it.<sup>157</sup> From the democratic perspective this overlooks the intermediate step into the *ethical* public sphere between the private and (liberal or democratic) public sphere. This is the public sphere of citizens' daily lives in relationships with others and the environment where they can care for the same public goods that they argue for in the democratic public sphere. For example, in their everyday public activities environmentalists can take care of the environment, peace and non-violent public actors act peacefully and non-violently in their relationships, feminists enact non-patriarchal relationships, localists act locally, anti-imperialists buy and sell in non-exploitive and democratic relationships between workers in the global north and south, and democrats treat their everyday relationships as partnerships open to negotiation among diverse partners. In engaging in these daily ethical practices of the self in relationships with others, they gradually *become* in their own lives the change they advocate and hope to bring about through participation in democratic public spheres. As a result, they bring into being another world, an ethical public world, that provides the practical basis of and motivation for going on and struggling for these public goods in the ways surveyed in the previous sections.

Public spheres are resonant and independent only if the publics who participate in them are grounded in the actual daily experience of ethical practices of caring for the public goods they wish to bring about in the democratic public spheres. They would not be able to problematise the dominant for and against discourses and present other possibilities, as Havel recommends, unless they had alternative forms of living together to draw on. This internal relationship between ethical practices of caring for public goods and participation in public spheres has been one of the central teachings of the democratic tradition from

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<sup>156</sup> See University of Victoria Office of Community Based Research, <http://web.uvic.ca/ocbr/>, and in general Craig Calhoun, 'Toward a More Public Social Science', *Social Science Research Council*, 03/12/2007, [www.ssrc.org/president\\_office\\_toward\\_a\\_more/](http://www.ssrc.org/president_office_toward_a_more/).

<sup>157</sup> This 'step' is a feature of both the bourgeois public sphere of *The Structural Transformation* and the liberal public sphere of *BFN*.

Socrates admonishing his fellow citizens to take care of their ethical being as a prelude to taking care of public goods in the *Apology*, to Wollstonecraft on early education, Gandhi's ashrams, King's practices of purification and self-discipline and the later Foucault's rediscovery of ethical practices of the care of the self in relationships with others.<sup>158</sup>

When citizens engage directly in practices of caring for public goods in their everyday activities they do so, as much as possible, in accord with these goods as they articulate them in democratic public spheres. These radical articulations of public goods are located, from the liberal perspective, on the periphery of the liberal public sphere. Because they standardly problematise some limit of the liberal public sphere and its underlying institutions and suggest that it is part of the problem, rather than the enabling condition of addressing the problem squarely, these articulations have to be filtered and translated into the official public problem language of the liberal public sphere to have any legitimate influence whatsoever. Habermas is correct to say that these radical public problematisations of the environment, global inequality, militarism and so on have had considerable influence on voters and governments over the last century by being translated, de-radicalised and processed in the way the liberal public sphere requires.<sup>159</sup>

From the democratic perspective this officially sanctioned influence is just the tip of the iceberg; just the tip of the *effectiveness* of the full, unofficial articulation of public goods and the underlying public world of alternative ethical practices on which they rest and gain their trans-generational endurance. The unofficial version and its underlying ethical practices remain as an irreducible standing critique of one or more limit of the liberal public sphere and its underlying institutions to deal with the public problems. For over a century, publics have raised these critical problematisations, enacted another world in ethical practices and passed them on to the next generation. Many were raised initially in public spheres within imperial states and the colonised world, then in international public spheres, such as socialist internationals and liberal democratic peace and freedom leagues, and now in global public spheres *vis à vis* the institutions of global governance. The history of peace and anti-imperial

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<sup>158</sup> For the historical and philosophical argument that this internal relationship between ethical practices of the self and public practices of caring for public goods has been generally overlooked in the modern West, with a few notable exceptions, see Michel Foucault, *The Hermeneutics of the Subject*, tr. Graham Burchell (London 2005), especially pp. 251-52.

<sup>159</sup> See Section 2.iv.

publics and public problems is illustrates how general critical problematisations, publics and ethical public practices endure on the rim of official public spheres.<sup>160</sup>

From the democratic perspective, the critical public problems and their underlying ethical practices have their greatest influence and effectiveness outside the official channels of the liberal public sphere. The citizens engaged in them change the world directly by changing their lifestyles and the relationships that govern their conduct in their everyday activities. These practices in the ethical public sphere then provide the resources for engagement in democratic public sphere communication and action. In engaging in ethical and democratic public spheres, citizens work in, on (negotiation) and around the limits of the liberal public sphere in ways that the critical liberal approach overlooks, yet, taken all together they may well make up the largest and most practically effective, yet unnamed, composite public sphere of ethical and democratic publics and public spheres in the world.<sup>161</sup>

The main critical liberal criterion for judging the knowledge produced in a public sphere is the procedures of public argument.<sup>162</sup> Critical democrats agree that this is one standard. Yet, because they include a plurality of modes of public reasoning, this is a more complex judgment than it is for the critical liberals. However, they have another criterion that is at least as important. They judge the validity and truthfulness of what citizens say and do in the public sphere in relation to their ethical conduct in the ethical public sphere. To what extent do they embody in their ethical practices the principles and goods they claim to profess in the public sphere? This is the oldest democratic test in the Western world, co-extensive with the birth of the public sphere.<sup>163</sup> It is probably the most common test employed by public sphere participants and audiences throughout the world today – does this speaker walk the talk?

From a democratic perspective, the failure of the critical liberal approach to see the relationship between ethical practice and public speech and to judge public speakers relative to their own practice is part of the larger problem of the abstraction of public discussion from concrete practice in contemporary democracies. It leaves free-floating public speech in the public sphere open to manipulation and watering-down on one hand and unconnected

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<sup>160</sup> See David Cortright, *Peace: A history of movements and ideas* (Cambridge 2008).

<sup>161</sup> See Paul Hawken, *Blessed Unrest*, for this opinion. It is shared by Drache, *Defiant Publics*.

<sup>162</sup> See quotation above at note 41. The quantity of participation is a factor.

<sup>163</sup> Foucault, *Fearless Speech*, is a survey of the emergence of and reflection on this criterion in ancient Greece.

to concrete struggles to make the world a better place on the other. The democratic approach of connecting together, as tightly as possible, ethical practices in ethical public spheres and democratic practices in the democratic public spheres reunites the two complementary senses of democratic self-government that Gandhi called *swaraj*. The delegation of powers of self-government to representatives must always be linked reciprocally to individual ethical practices of self-government of citizens (and governors) in their daily relationships. The link between the two is the relationship of negotiation and mutual subjection manifested in the public sphere.<sup>164</sup>

As a result, a democratic public sphere has a different relationship to public audiences than the liberal public sphere. The function of the liberal public sphere is to influence the voting behaviour of the public audience. While influencing voting behaviour is one aim of democratic public spheres it is not primary. The primary objective is to bring members of the public audience to consider changing their ethical lives by changing their daily habits with respect to the public goods at issue, thereby directly participating in changing the world from the ground up. Publics in public spheres engage in this relationship not only by presenting good public reasons for all to see and hear, but also by bringing their own daily ethical public sphere practices in conformity with what they say in the democratic public sphere. They act as exemplary role models to public audiences by walking their talk. Public audiences judge them accordingly and are moved, not only by the better argument to change their opinion, but also by the better *ethos* to change themselves.

This revolutionary understanding of public spheres as democratic practices of citizens and governors discussing, negotiating and transforming the relationships of governance between them freely, openly and peacefully, and the reciprocal relationship of these to practices of the self in ethical public spheres, only came to widespread public consciousness in the mid-twentieth century. The first step was the realisation that the recourse to violence to resolve disputes is the antonym of a public sphere (as darkness is to

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<sup>164</sup> M. K. Gandhi, *All Men are Brothers*, eds., Krishna Kripalani (New York 1980), p. 134: 'I have therefore endeavored to show in word and deed that political self-government – that is self-government for a large number of men and women – is no better than individual self-government, and therefore, it is to be attained by precisely the same means that are required for individual self-government.' In her study of contemporary India, Martha Nussbaum concludes that the decoupling of these two senses of self-government (ethical and democratic) is the fundamental problem today, not only in India but in other contemporary representative democracies. See Martha Nussbaum, *The Clash Within: Democracy, Religious Violence and India's Future* (Cambridge MA 2007) and the review by Pankaj Mishra, 'The Impasse in India', *New York Review of Books*, 54, 11 (June 28, 2007).



light). It terminates the non-violent public sphere relationship of discussion and negotiation and the background threat or possibility of recourse to violence to resolve the dispute erodes and subverts the trust relationship between partners that is a condition of a public sphere. This was not a new discovery, but the horrors of a century of global wars brought into being the biggest peace movement in history with this insight as its challenging public problem.<sup>165</sup>

The second step follows from the first as its antidote. The only way citizens can bring an end to war is to organise, discuss and negotiate *non-violently* in public spheres with armed governments (and other organisations based on the use of violence). Publics have to embody in all their democratic and ethical public sphere activities the non-violent way of life they promote publicly if they are to convert governments to disarmament and non-violence on the one hand and gain the respect and support of the global public audience on the other, and thereby to build a non-violent world from the ground up. Peace has to be the way as well as the end. Non-violence is not one public good among many, but the public good that makes possible the multiplicity of practices of discussing and negotiating our differences that we call public spheres. This is the truth that Gandhi in the colonial world, King Jr. in North America and Petra Kelly in Europe proposed in the public sphere and manifested in their public ethical lives.<sup>166</sup>

### *Conclusion*

We have seen that the present general crisis of global governance refers not only to the healthy discontent of citizens with the undemocratic character of the institutions of global governance and the foreign policies of the great powers. It also refers to a general discontent with many forms and situations of governments around the world. Finally, it refers to a parallel discontent with the official public spheres in which citizens can express their discontents and do something about them. I have attempted to show that the liberal and democratic public spheres and their two critical approaches are responses to this general crisis. How they will fare in the twenty-first century does not seem to be a project whose defining features we already know, but the unpredictable phenomenon Nietzsche and Arendt call history.

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<sup>165</sup> One of the public intellectual who did the most to publicise the first step in the early twentieth century literary public sphere was Leo Tolstoy, *The Kingdom of God is Within You* (New York 2005 [1893]).

<sup>166</sup> These two steps are drawn from David Cortright's *Peace*, a history of the peace movement in the twentieth century. They are summarised at p. 211-32. For Petra Kelly's relation to Gandhi and King, see Hardiman, *Gandhi*, pp. 238-93. All three were murdered.

